

11 June 2021

PLANNING COMMITTEE - 23 JUNE 2021

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 23 June 2021 in the Council Chamber at the Town Hall, Rugby.

Members of the public may view the meeting via the livestream from the Council's website.

Mannie Ketley
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes
To confirm the minutes of meetings held on 28 April 2021 and 20 May 2021.
2. Apologies
To receive apologies for absence from the meeting.
3. Declarations of Interest
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Urgent Decision under Emergency Powers - Planning Application R20/0919
7. Delegated Decisions - 8 April 2021 to 2 June 2021

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

Councillors Picker (Chairman), Mrs Brown, Daly, Eccleson, Gillias, Lewis, McQueen, Rabin, Sandison, Srivastava, Ms Watson-Merret and Willis

If you have any general queries with regard to this agenda please contact Veronika Beckova, Democratic Services Officer (01788 533591 or e-mail veronika.beckova@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website (www.rugby.gov.uk/speakingatplanning).

Planning Committee – 23 June 2021

Report of the Chief Officer for Growth and Investment

Applications for Consideration

Planning applications for consideration by the Committee are set out as below.

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R20/0635	Magpie Lodge Farmyard, Lilbourne Road, Clifton Upon Dunsmore, Rugby, CV23 0BB Demolition of existing barns and the erection of 5 dwellings (Outline Only - Principle, Access, and Layout Only).	3
2	R18/0011	Land on the West Side of Overstone Road, Withybrook Erection of a stable block, provision of a hard surface area and retention of a driveway and gates (part retrospective).	18

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
3	R19/1097	Land North of Coventry Rd, Church Lawford, Warwickshire, CV21 2NG Pig fattening building.	25
4	R20/1062	Land at Fosse Corner (junction of Millers Lane and Fosse Way), Monks Kirby Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of three years.	65

Reference: R20/0635

Site Address: MAGPIE LODGE FARMYARD, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB

Description: Demolition of existing barns and the erection of 5 dwellings (Outline Only - Principle, Access, and Layout Only).

Recommendation

Refuse due to the unsustainable location of the proposed development.

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as Councillor Hunt has requested the application be determined by the Planning Committee on the following grounds:

- Due to the inappropriate development within the Countryside; and
- The unsustainable location of the development.

Application Proposal

This application seeks outline planning permission for 5 new dwellings. An illustrative site plan has been submitted, which provides guidance on how the site could be developed to accommodate 5 dwelling houses. Along with the principle of development the main consideration in respect of this application is the layout and access with all other matters being considered at reserved matters stage.

It has been proposed that the existing access off of Lilbourne Road will be utilised and will not incorporate any pedestrian footway provision.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 under Part 1 and the Communities and Local Government Guidance on Information Requirements and Validation; March 2010 details information which needs to be submitted to allow for the determination of an outline planning application. This information has been received by the agent through the submission of the Proposed Site Layout and accompanying Design and Access Statement.

During the course of the application officers raised concerns over the layout considered for submission along with the omission of the three elements of sustainable development. This information has been submitted along with a revised Site Layout Plan. This application will therefore be considered using the amended information.

Site and Surrounding Area

The application site is located within the countryside on the outskirts of Clifton-on-Dunsmore and sited circa 3 miles from the centre of Rugby. The site itself comprises approximately 0.56

hectares of agricultural land fronting onto Lilbourne Road, the application site contains a number of structures currently storing, straw and hay. The wider context around the site includes Stobart Truck Warehouse, 0.2 miles to the south east, Rugby Town is located 3 miles to the west of the site. The village centre of Clifton-upon-Dunsmore is located 1 mile to the west of the site.

Relevant Planning History

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
R12/2223	Change of use of existing building for the purposes of rodent breeding (sui generis) (Retrospective).	Approved	30 th January 2013
R14/1708	Determination as to whether prior notification is required for the erection of a proposed new cow shed.	Not Required	31 st October 2014
R16/0427	Erection of an extension to an existing agricultural building.	Accepted	7 th April 2016
R16/1785	Erection of an agricultural storage shed.	Accepted	29 th September 2016

Technical Consultation Responses

Sanham Agricultural Planning Limited have objected to the application on the grounds that there is no agricultural justification or support for the relocation of the existing hay/straw storage building or any additional buildings away from the existing farmyard at Magpie Lodge.

No objections have been received from:

Warwickshire County Council (Archaeology)
 Warwickshire County Council (Highways)
 Warwickshire County Council (Ecology)
 Rugby Borough Council (Environmental Services)
 Rugby Borough Council (Arboriculture Officer)
 Rugby Borough Council (Work Services)
 Seven Trent Water
 Highways England

Third Party Consultation Responses

Councillor Hunt has objected to the application on the following grounds:

1. Inappropriate development in a rural area.
 - a. This is a prominent site on the top of the ridge. if this application were to be granted then it would significantly change what is currently a rural view from the bottom of the hill (Houlton);
 - b. If approved these homes would considerably change the rural approach into the village of Clifton upon Dunsmore; and

- c. If approved these homes would significantly impact on the setting of the Listed building, Dunsmore House, and the surrounding Conservation Area
- 2. This is not a sustainable location.
 - a. There is no public transport in the vicinity of or passing this location;
 - b. There are no pavements along the Lilbourne Road into Clifton, and poor street lighting; and
 - c. The grass verges on the Lilbourne Road into Clifton are such that there is no refuge for pedestrians. This is a road with poor visibility, and although there is a 40mph speed limit in place, this is not enforced as it is not considered safe for the police to stand at any point with speed guns.
- 3. Incorrect description of existing buildings on site
 - a. Whilst some of these buildings are brick built and have been in situ for some years, at least two of the buildings are new steel-framed structure with the most recent extension having received permission only 4 years ago.

Clifton Upon Dunsmore Parish Council have objected to the application on the following grounds:

- 1. The proposal is outside of the village envelope and will set a precedent for further development within the surrounding area;
- 2. Allowing the proposal would extend the village boundary to include these proposed dwellings;
- 3. Within the Clifton Upon Dunsmore Parish Plan residents of the village stated they wished to retain the historical centre of the village and the area it covers and they would like to ensure it does not form part of the urban area and retain a green buffer;
- 4. The view looking from the A5 to the village will be lost and the rural image will be overshadowed by the development.

Neighbours notified and a site notice has been displayed with no letters of representation being received.

Relevant Planning Policies and Guidance

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011 - 2032. The relevant policies are outlined below.

Local Plan 2011-2032

Policy GP1: Securing Sustainable Development
 Policy GP2: Settlement Hierarchy
 Policy GP3: Previously Development Land and Conversions
 Policy GP5: Neighbourhood Level Documents

Policy HS5: Traffic Generation, Air Quality, Noise and Vibration
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy SDC1: Sustainable Design
Policy SDC2: Landscaping
Policy D2: Parking Facilities
Policy D4: Planning Obligations

Supplementary Planning Documents – 2012

Sustainable Design and Construction
Planning Obligations

Clifton Upon Dunsmore Parish Plan - 2004

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development
Section 5: Delivering a Sufficient Supply of Homes
Section 9: Promoting Sustainable Transport
Section 11: Making Effective Use of Land
Section 12: Achieving Well Designed Places
Section 15: Conserving and Enhancing the Natural Environment

Determining Considerations

The main considerations in respect of this application are as follows:

1. Principle of Development;
2. Character and Design;
3. Impact on Residential Amenity;
4. Highway Safety;
5. Landscaping;
6. Planning Balance; and
7. Conclusion.

1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 1.2 The application site is located within the countryside and along Lilbourne Road and within close proximity to the A5 as such; new development will be restricted and only where National Policy on countryside locations permits will development permitted.
- 1.3 Section 5 of the NPPF states that planning policies should avoid the development of isolated homes in the countryside unless certain exceptions are met. Paragraph 79 sets out these exceptions which in this instance the proposal does not comply with; however, Section 11 of the NPPF states that Local Planning Authorities should make as much use of previously-developed land as possible.

- 1.4 Local Plan Policy GP3 states that Local Planning Authorities will support the redevelopment of previously developed land where proposals are compliant with the policies within the Local Plan in particular where the stated criterion is met. Likewise, Section 2 of the NPPF and Local Plan Policy GP1 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 1.5 As the proposal seeks full planning permission for the erection of 5 new dwellings on agricultural land, the application site can not constitute previously developed land as Annex 2 of the NPPF states that land that is or was last occupied by agricultural or forestry buildings is excluded from the previously developed land definition.
- 1.6 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For decision taking this means approving development that accords with an up-to-date development plan without delay. As the Local Authority has a five-year supply of land and an adopted Local Plan the tilted balance in this instance is not engaged.
- 1.7 The Design and Access Statement submitted with the application states that the proposal will be able to achieve the three dimensions of sustainable development through the following mechanisms:
- 1.7.1 *Economic*
- The application allows the reuse of previously developed land with the case for residential development already being made.
- 1.7.2 *Social*
- The housing mix shown within the planning application reflects the current housing need within the area with the smaller dwellings allowing farm and other local key workers to remain within the community. The provision of a mix of houses on the site, albeit outside the existing village footprint, will nevertheless provide an important housing opportunity for local people, and will relate very strongly to the village of Clifton and the Borough of Rugby.
- 1.7.3 *Environmental*
- The existing farm buildings are largely dilapidated and beyond economical repair. The original function, as cattle sheds, is now contrary to DEFRA regulations, as such the buildings, if left, would constitute a growing negative visual impact. The proposal has been designed the scheme to be sympathetic to a farmyard setting and will enhance the area. In addition to this a Landscape and Environment Plan has been submitted which details how biodiversity on the site will be enhanced.
- 1.8 Within the recent Court of Appeal decision following the refusal to grant planning permission for the erection of 4 new dwellings in Braintree DC v Secretary of State for Communities and Local Government (2017) which found that isolated homes in settlements without facilities and services recognises that development in a small village may enhance and maintain services in a neighbouring village. Whilst the application site is located outside of the defined village boundary the proposal in this instance is not

considered isolated given the location of residential dwellings within the vicinity of the application site.

- 1.9 In another recent appeal decision (ref: APP/Q1153/W/18/3198937) at Sungates in Tavistock the Planning Inspector dismissed this appeal for the change of use from agriculture to residential along with the construction of 2 4-bedroomed dwelling houses. The appeal was dismissed on the grounds that it does not necessarily follow that a site that is not isolated in the terms of Paragraph 55 (now 79) will be reasonable accessible to services when considered in the context of other requirements of the Framework. In this instance a distance of 580 metres to the centre of one of the Main Settlements which had access to a wide variety of settlements was considered in this instance to be an unsustainable location.
- 1.10 In a recent appeal decision (APP/E3715/W/19/3226761) Land adjacent to West View, Stockton Road, Birdingbury the Planning Inspector accepts that the Local Planning Authority can demonstrate a five year supply of deliverable housing sites and as such the tilted balance in this instance is not engaged. The Inspector also states that lack of isolation does not necessary mean that a site will be reasonably accessed to services when considered with the other aspects of the NPPF. Birdingbury in this instance was considered to be an unsustainable location; accessibility to services; and limited public transport would make the reliance of the private car likely. The inspector concludes that the proposal would be in conflict with the NPPF and Local Plan which seek to direct development towards sustainable locations.
- 1.11 An Additional appeal decision (APP/E3715/W/19/3231710) Flecknoe Farm Stud & Livery, Flecknoe Village Road, Flecknoe, which was originally refused; on sustainability grounds; by Planning Committee on 6th February 2019, supports the Local Planning Authorities decision. The appeal decision acknowledges that there would be an overwhelming reliance of the private car and that this reliance on the private car would hinder social integration between new and existing residents in the village. It then goes onto say that the remoteness of the appeal site would mean that the future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at the identified main settlements without reliance on the private car.
- 1.12 The inspector concludes that the dwellings would be within a location with poor access to services and facilities. Whilst it is accepted that the Framework recognises the opportunity to maximise sustainable transport, solutions will vary between urban and rural areas, it also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that housing should be located where it will enhance or maintain the vitality of rural communities. It does not justify locating development in an inherently unsustainable location. Thus resulting in a proposal which would be in conflict with the National Planning Policy Framework.
- 1.13 Likewise appeal decision (APP/E3715/W/19/3233944) 8 Swedish Houses, Birdingbury Road, Hill the Planning Inspector cites that the potential for future residents to make a meaningful contribution to the vitality of Hill is severely limited given the narrow range of local services. Furthermore, Leamington Hastings and Birdingbury have few facilities, thereby limiting the potential for residents to affect or maintain the vitality in the other nearest settlements. Whilst the proposal would not be isolated it was considered that the

proposal would not promote use of sustainable modes of transport and would fail to have any meaningful effect on the vitality of a rural community.

- 1.14 More recently appeal decision (APP/E3715/W/20/3250957) the Old Pastures, Moor Lane the planning Inspector concludes that whilst there is a footpath from the village to Braunston it is some distance away, and the route is along the A45 London Road, which was noted on the site visit a busy unlit road, subject to the national speed limit in places, and therefore does not provide for a particularly inviting route for either pedestrians or cyclists. There is a bus service to larger centres such as Dunchurch and Rugby, though this is an infrequent service.
- 1.15 Whilst recognising that the access to services and facilities would be the same for existing residents of the village, and even considering that transport solutions will vary from urban to rural areas, considering the infrequency of the services and that nearby centres are closer and more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities. These locational disadvantages are recognised by the Rugby Borough Council (Local Plan, 2019. Considerable weight was afforded to the conflict with the Local Plan and, whilst there are some economic and social benefits attributable to the proposal these do not weigh heavily in favour of the development. Any benefits would not be sufficient to outweigh the locational disadvantages and would not justify departing from the recently adopted Local Plan.
- 1.16 In addition appeal decision (APP/E3715/W/20/3251142) Masters Barn, Masters Yard it was concluded that future occupants would be reliant upon the services and facilities in other nearby settlements, the nearest being Leamington Hastings, Marton, Frankton and Bourton on Dunsmore. These settlements are however a significant walking distance from the site and, beyond the settlement there would be a reliance on grass verges for access. These are uneven and unsuitable for walking, cycling or using pushchairs and wheelchairs. Furthermore, considering the speed limits in place, attempting to walk alongside the road with fast moving traffic may put anyone attempting to do so at considerable risk. The Local Plan is recently adopted, and considerable weight was attached to the conflict with these policies.
- 1.17 The agent in support of the application submitted details of an appeal in Melton (APP/Y2430/W/18/3206130) where the proposal resulted in a small-scale residential development (2 dwellings) on the edge of a village that had no services or amenities and was classified as countryside as far as the development plan was concerned. Melton Borough Council applied a similar exercise to that of the Local Planning Authority and concluded that the countryside location of the site meant that any new homes that failed to accord with the provision of Paragraph 79 of the NPPF were therefore in conflict with the development plan policies and would not be appropriate.
- 1.18 The Inspector within this decision notes that just because a site is within the countryside, it does not necessarily mean it is 'isolated' in the context of Paragraph 79 of the NPPF. Secondly, the Inspector takes into consideration the unique geography of the site in proximity to other existing land uses and higher-order settlements, as well as bus routes to these locations. The applicants have therefore applied the inspectors approach to Magpie Lodge and raise the following all of which are addressed under the relevant points.

- 1.18.1 *The site forms part of a cluster of homes that sit within the short stretch of road between Clifton upon Dunsmore and the A5. The site cannot be described as isolated.*

The Local Planning Authority as per information contained within its preceding paragraphs does not consider the application site to be isolated. What it does consider having engaged the criterion for sustainable development, is that the application site, whilst not isolated, is not located within a sustainable location and therefore does not comply with the fundamental aim of the NPPF and is contrary to the Adopted Local Plan.

- 1.18.2 *There is a bus stop located west of the site just 0.1m (3 mins walk) away. This provides sustainable travel via the L1 bus route (Lilbourne to Rugby and Rugby to Lilbourne). This route also provides onward travel options from Clifton upon Dunsmore to Rugby and further afield via the more frequent No.9 service.*

The L1 bus which operates from Lilbourne is a community bus that is operated by Lilbourne Parish Council for the benefit of Lilbourne residents on Monday, Wednesday and Friday stopping at Dunsmore House. The bus only picks up at Dunsmore House at 9:30am dropping back at 12:12pm and pick up between 13:45pm and drop off at 16:44 on a Saturday.

Whilst the community bus is in operation from this location, this remains an approximate 270 metre walk from the entrance of the application site, which as identified within Section 1.20 of the report does not provide safe refuge for residents wishing to get the community bus into Clifton.

- 1.18.3 *The site is also extremely close by to a massive extension to the existing DIRFT Logistics Park on the A5. The new rail-served logistics/distribution extension would create circa 7m sqft of new distribution space and it is understood around 9,000 jobs. The application site will be accessible via a short car journey or by bike to the significant job opportunities that will arise off the back of the Prologis extension. I also attach a Prologis employee handbook that I note promotes and rewards car-share schemes and cycle to work schemes.*

Whilst DIRFT is in close proximity to the application site it can only be realistically accessed by a short car journey as there is no public footpath or cycleway from the application site to DIRFT. Whilst Rugby Train Station is noted within the handbook again this would be reliant on a car journey into Rugby Town.

- 1.18.4 *A significant amount of new housing is also allocated in the Local Plan at the Rugby Radio Station site (circa 6,200 homes). This is a significant scale of development and one that will see numerous new bus routes created and new school/local centre destination options that will be within close proximity to the application site.*

Whilst a significant amount of new housing development is underway at the Rugby Radio Station site associated applications are still be submitted to the Local Planning Authority in relation to this matter. As such the completed works at this site will not be done for number of years notwithstanding this the

application site is not easily accessible by foot or public transport to Houlton resulting in reliance in the private car.

An example of this is with the most direct access being down the A5 where public transport does not operate and would result in occupants travelling by private car 3.5 miles. An alternative route is available through Clifton and Hillmorton which would result in a 4-mile car journey.

1.18.5 *In addition to this, the increased use of the A5 from the circa 7m sqft of employment space and 6,200 new homes will breed new growth along the A5 corridor generally in this area, including roadside services opportunities. Again, these will be very close to the application site.*

The above paragraph is currently speculation as the Borough Council are not aware of other application within this area which may impact on the application site and therefore cannot be taken into consideration for the determination of this application. The area surrounding the application site is however a countryside location whereas per the Local Plan new development will be resisted and only where national policy on countryside locations allows will development be permitted.

1.19 In addition to this it has been brought to the Local Authorities attention that Lilbourne Community operate a Community Minibus Scheme. This service has been running since 1977 and provides transport to those who struggle with traditional public transport or have limited access to public transport. The services travel up and down the Lilbourne Road between Lilbourne and Clifton/Rugby and pick-up/drop-off can be arranged at an exact location and time to suit. As you will see from the link, the description of service is as follows:

'Community minibuses are specifically designed to help those who are unable to use public transport. This may be because of age, disability, or lack of public transport. The services are provided by voluntary, non-profit organisations. The Lilbourne Community Minibus carries children to and from Yelverton Primary School on a daily basis, and also carries villagers into Rugby two or three times a week.'

1.20 Officers contacted the Lilbourne Community for confirmation that this service is something which would be made available to residents of the development. It has been confirmed that an approach was made to the Lilbourne Community Minibus Scheme who confirmed that the village bus had been approached in relation to this matter however there were unfortunately unable to confirm that they could offer this service.

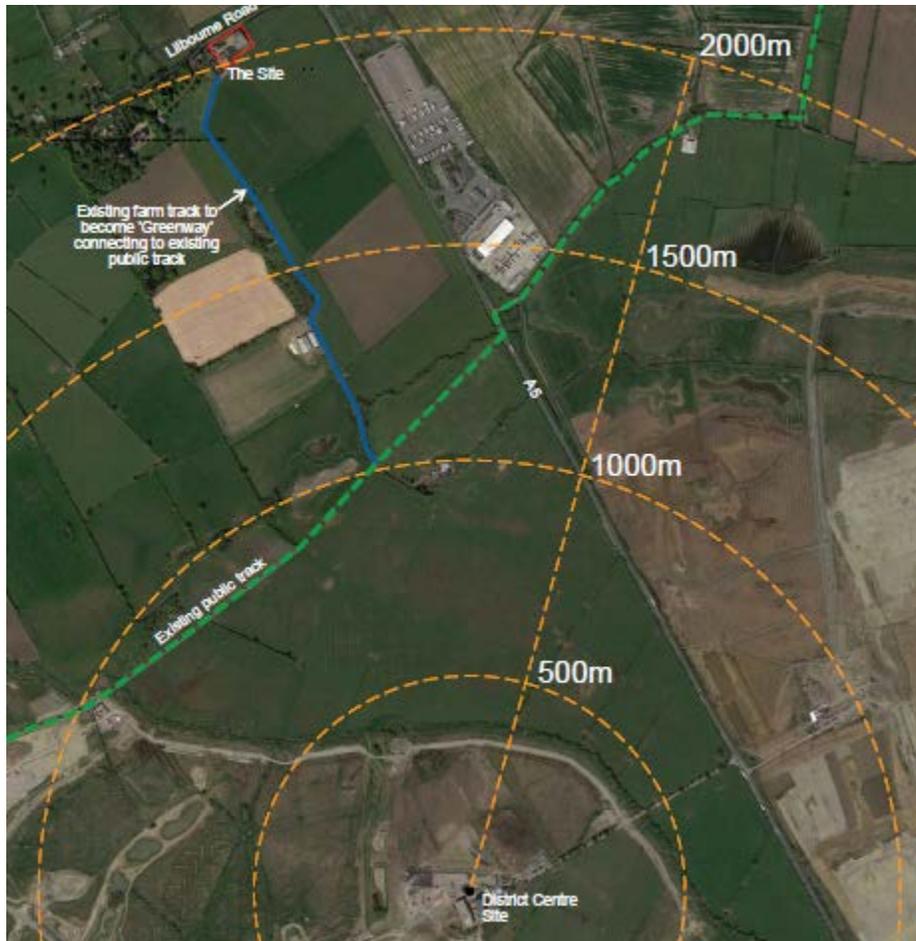
1.21 The table below details the relative distances from the application site, located within the countryside, to the services located within a main settlement with associated travel time and distance:

<u>Rural Settlement</u>	<u>Main Settlement</u>	<u>Travel Time/Distance</u>
Magpie Lodge – Driving	Clifton Upon Dunsmore	2 minutes/1.1 miles
Magpie Lodge – Walking	Clifton Upon Dunsmore	21 minutes/1.1 miles
Magpie Lodge – Driving	Rugby	10 minutes/3.6 miles
Magpie Lodge – Walking	Rugby	67 minutes/3.3 miles
Magpie Lodge – Driving	Dunchurch	15 minutes/6.1 miles
Magpie Lodge – Walking	Dunchurch	120 minutes/6miles

1.22 Section 9 of the NPPF states that appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development for its location ensuring that safe and suitable access to the site can be achieved for all users. Whilst the application site is located within close proximity main settlements in terms of access to facilities, due to the location of the site, there would be a heavy reliance on the private car in order for residents to access employment opportunities; services and facilities within the surrounding settlements. This is by virtue of the fact that:

- There is no public transport within the vicinity or passing the application site;
- There are no pavements along the Lilbourne Road heading into Clifton with limited or no street lighting;
- The grass verges on the Lilbourne Road into Clifton are such that there is no refuge for pedestrians; and
- The road into Clifton has poor visibility, and whilst there is a 40mph speed limit in place, this is not enforced.

1.23 In an attempt to overcome officer concerns in relation to the sustainability of the site and connectivity of the site to wider services; amenities; and employment, the applicant has obtained the agreement from the landowner, that they would be willing to make a pedestrian/cycle route from the site to the closest Local Centre. The insert below shows the proposed track (blue) which would then link to the existing public track (green) and then lead to eventually connect into Houlton.



- 1.24 The Manual for Streets (2007) states that “walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes’ (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot [...] this is not an upper limit and PPS134 states that walking offers the greatest potential to replace short car trips, particularly those under 2000m.
- 1.25 Whilst the proposed offer of a pedestrian footpath is welcomed and on the cusp of what would be considered acceptable in terms of the Manual for Streets. It is the considered opinion of the Local Authority that taking consideration of the lack of street lighting and varying levels in onsite topography it would not be the most desirable option available to residents.
- 1.26 Notwithstanding the above, the Local Authorities Consultant Agricultural Consultant has commented on the application and concluded that from the information submitted in support of the current application, there is no agricultural justification or support for the relocation of the existing hay and straw storage building, or any additional farm buildings away from the existing farmstead at Magpie Lodge farmyard unless the Local Planning Authority’s Local Plan Policies allow for development on the site of the existing farmyard.
- 1.27 Supporting information submitted with the application shows an initial intent to convert the existing farm buildings. However, upon visiting the site it became apparent that the existing farm buildings would not be suitable for conversion, due to several factors but

principally their poor condition, the materials used during construction and the site. It was therefore decided to proceed with the submitted scheme ensuring that it remain sympathetic in character to the rural area and farmyard style. Furthermore, in relation to Policy GP2 the applicants state that the scheme relates very closely to Clifton and the farm setting.

1.28 As such this indicates a heavy reliance on the private car in order for residents to access employment opportunities; services and facilities within the surrounding settlements therefore not meeting requirements of Section 2 of the NPPF and Policy GP1 of the Local Plan.

1.29 It is therefore considered that this application is contrary to Section 2; 5 and 9 of the NPPF; and Local Plan Policies GP1, GP2 and GP3.

2. Character and Design

2.1 Local Plan Policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.

2.2 Section 12 of the National Planning Policy Framework (NPPF) states that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development whilst being visually attractive as a result of good architecture.

2.3 In addition to the principle of development and the access, another key consideration for the determination of the application is the layout. The initial layout submitted with the proposal raised a number of concerns for officers, which were raised during the determination of the application, a revised late has been submitted for consideration which address the concerns raised. The application site is capable of accommodating 5 new dwellings and has been designed so that key areas within the street scene have feature properties when entering and leading through the application site. All properties benefit from generous amenity spaces with a mix of both soft and hard landscaping throughout the site resulting in a softer and visually appealing edge. The incorporation of a green is a welcomed addition to the layout creating an attractive feature from within the development.

2.4 Whilst the main consideration under this application is the access and layout out only, matters in relation to scale and appearance would be addressed appropriately at reserved matters stage should outline planning consent be granted.

2.5 This application is therefore considered to be in accordance with Local Plan Policy SDC1 of the Local Plan and Section 12 of the NPPF.

3. Impact on Residential Amenity

3.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded with Section 12 of the NPPF stating that developments will provide a high standard of amenity for existing and future users.

3.2 As previously identified the main considerations under this application is for the principle of development, layout and access only, as such design, scale and massing details would be reserved for full consideration at a later date. The indicative layout submitted has however identified that the site can accommodate up to 5 new dwellings. As referred to above, the impacts on the amenities of neighbouring properties would be appropriately addressed at the reserved matters stage should outline planning consent be granted.

4. Highway Safety

4.1 Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. The Planning Obligations SPD and Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Local Plan Policy D2 goes on to say that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.

4.2 Whilst the number of bedrooms within this proposal is subject to change given the outline nature of the proposal. The application does incorporate parking for 27 vehicles to be parked to be parked within the development and garages which have been incorporated within the layout. The table provides a breakdown of the total requirements for parking provision for dwellings proposed within this application. For clarity 1- and 2-bedroom properties should have provision for 1.5 spaces per unit; 3 bedrooms seeks provision for 2 spaces; and 4-bedroom units or more would require 3 parking spaces to be provided.

<u>Parking Provision</u>						
House Type		No. Beds	No. of Units	SPD Requirements	Parking Provided	Complies Yes/No
Plot 1		4	1	4	4	Yes
Plot 2		4	1	4	4	Yes
Plot 3		4	1	4	6	Yes
Plot 4		4	1	4	4	Yes
Plot 5		4	1	4	6	Yes
<u>Total Requirements</u>				20	27	Yes

4.3 Warwickshire County Council (Highways) initially objected to the application on the grounds that insufficient information had been submitted to allow for the proposal to be fully assessed. This information was submitted, and a re-consultation carried out, this confirmed that the Highways Authority have no objection to the proposal, subject to appropriate conditions and informatives.

4.4 Warwickshire County Council (Work Services) have confirmed that they have no objections to the proposal.

4.5 It is therefore considered that the proposal is in accordance with Local Plan Policy D1; D2; Appendix 5 and the SPD on Planning Obligations.

5. Landscaping

5.1 Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

5.2 Rugby Borough Council (Arboriculture Officer) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; this information was received, and a re-consultation has been carried out accordingly.

5.3 As the proposed development is smaller than the existing buildings in situ, the Local Authorities Arboriculture Officer has confirmed that there are no objections to the proposal subject to mitigation planting to form a green buffer zone around the perimeter of the site to enhance and provide adequate screening.

5.4 This application is therefore considered to be in accordance with Policy SDC2 of the Local Plan.

6. Planning Balance

6.1 In terms of the planning balance the Local Planning Authority benefits from an up to date adopted Local Plan along with a five-year supply of land and therefore the tilted balance in this instance is not engaged. The NPPF is however a document which should be considered as a whole and does state that in achieving sustainable development the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

6.2 It is acknowledged the scheme would bring a number of benefits including the provision of additional dwellings to the local stock and associated benefits to the local economy, however, the positive effects of a small-scale development over long term would be limited. The harm however in respect of the location of the application site would be in conflict with one of the Framework's core planning objectives in that the proposal would not demonstrate sustainable development and as such significant weight should be given to this conflict.

7. Conclusion

7.1 In the opinion of the Local Planning Authority, having regard to the location of the development outside of the village boundary of Clifton Upon Dunsmore being sited within the countryside, the proposal would result in a development which would result in future residents being heavily reliant on the private car to access services and facilities as well as employment which in turn fails to mitigate and adapt to climate change and support moving to a low carbon economy. As such the proposal fails to comply with Sections 2 of the National Planning Policy Framework (2019); and Local Plan Policies GP1, GP2; and GP3.

DRAFT DECISION

REFERENCE NO:
R20/0635

DATE APPLICATION VALID:
20-Aug-2020

APPLICANT:

Allen Bloor, Rugby Properties Limited Rugby Properties Limited, Elms House, Ashlawn Road, Hillmorton, Rugby, CV22 5EU

AGENT:

David Blake, IDP Group IDP Group, 27 Spon Street, Coventry, CV1 3BA

ADDRESS OF DEVELOPMENT:

MAGPIE LODGE FARMYARD, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB

APPLICATION DESCRIPTION:

Demolition of existing barns and the erection of 7 dwellings (Outline Only - Principle, Access, and Layout Only).

CONDITIONS, REASONS AND INFORMATIVES:

REASON FOR REFUSAL: 1

The proposed development is located within an area of the borough designated as countryside. Local Plan policy GP2 states that new development within the countryside would be resisted and only where national planning policy allows will development be permitted. It is considered that the development is located within an area with limited services and facilities, resulting in a overreliance of the private car. As such the proposal would therefore have an adverse impact upon the environmental conditions of the area, and as a result would not fulfil the environmental dimension of sustainable development identified by Section 2 of the NPPF 2019 and therefore does not constitute sustainable development. The proposal is therefore contrary to Local Plan Policies GP1, GP2, and GP3 along with guidance contained within the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Local Plan 2011-2032

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy GP3: Previously Development Land and Conversions

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk .

Reference number: R18/0011

Site address: Land on the West Side of Overstone Road, Withybrook

Description: Erection of a stable block, provision of a hard surface area and retention of a driveway and gates (part retrospective).

Case Officer Name & Number: Nathan Lowde 01788 533725

Recommendation

Refusal

This application is to be determined by members of the planning committee at the request of Cllr Heather Timms.

Description of proposal

- 1.1. The application seeks the erection of a stable block comprising of 3 stables (4.2m x 3.65m per stable), tack room (4.2m x 3.65m), together with a separate feed store building (7.1m x 7.1m).
- 1.2. The two buildings are proposed to be constructed of tanalised shiplap boarding set on a brick plinth with Gemini tiles above. Doors and window frames will be wooden.
- 1.3. The access track which this application seeks the retention of has been formed to the southern boundary of the site off Overstone Road and topped with loose chippings.

Description of site

- 1.4. The site is a triangular piece of land within Withybrook, located on the corner of Main Street and Overstone Road. The site falls within an area of land designated as Green Belt within the Local Plan. The whole area of land extends to 1.37 hectares. The ground undulates considerably, rising from Main Street and Overstone Road, and contains large earthworks. The site itself is a Scheduled Ancient Monument known as '*Medieval settlement at Withybrook*' and relates to the remains of a shrunken medieval and post-medieval village.

Relevant Planning Policy

Rugby Local Plan 2011-2031, June 2019

GP2 Settlement Hierarchy	conflicts
NE1 Protecting Designated Biodiversity & Geodiversity Assets	conflicts
SDC1 Sustainable Design	conflicts
SDC2 Landscaping	conflicts
SDC3 Protecting and Enhancing the Historic Environment	conflicts

National Planning Policy

National Planning Policy Framework 2019

Third Party Comments

Neighbours (5 objections)

- Retrospective
- Impact on the Scheduled Ancient Monument
- Removal of significant hedgerow and trees
- Development would be to the detriment of the land
- Increase in traffic
- The structure would be visually prominent to the detriment impact on the visibility and openness from this heritage asset

- No public benefits.
- Development will ruin this important historical part of the village of Withybrook.
- Archaeological report is flawed.

Parish Council (objection)

1. The size and massing of the proposed development will have an adverse impact on the openness of the site which is a prominent feature of the village.
2. In section 14 of the application (existing use) the applicant has stated that the proposal does not involve any land which is known to be contaminated. The site is the subject of an existing Temporary Stop Notice issued on 30th May 2017 and a subsequent enforcement notice issued by Warwickshire County Council in respect of the dumping of waste materials without planning consent. The Notice has not been complied with.
3. The archaeological report (appraisal of development impact) states that the gravel used to form the access road was deposited straight onto the ground without scraping off the topsoil first. The Parish Council has photographic evidence of extensive groundworks being undertaken to form the access track and to level the medieval house platform. This evidence has already been lodged with Rugby Borough Council.
4. The archaeological report (appraisal of development impact) states that hedgerow has been removed. This removal is in contravention of the Countryside Hedgerow Regulations since the hedgerow was at least 30 years old and was completely or partly in or next to an archaeological site listed on a Historic Environment Record (HER).
5. The archaeological report (archaeological background) states that there are no known Roman remains within a 1km radius of the site. The site is 2.1km from the Fosse Way, and 5.5 km from Watling Street and its junction with the Fosse Way at High Cross. Given the natural watercourse that runs through the village and the number of natural springs in the village it is likely that such an abundant source of water would have made it a site of habitation in Roman times.
6. The archaeological report, in assessing the impact of the proposed development on the site, does not address the impact of large construction machinery and lorries, not only on the site of the proposed development and access road but also on the listed site as a whole.
7. There is no record of any archaeological investigations of the site. Despite the damage that has already been done to the site there remains the potential for significant finds because it is the site of a medieval house. The ability to investigate the site fully would not be possible if the development was permitted.

Technical Consultees

WCC Highways	No objection subject to conditions
WCC Planning	Objection, there are insurmountable policy objections to this development
WCC Archaeological	Objection on archaeological grounds
Historic England	Objection on heritage grounds
Tree Officers	Part of the section of hedgerow removed is in breach of the Hedgerow regulations
Rhodes Rural Planning and Land Management	Insufficient information to determine the application

Assessment of Proposal

1. Principle of Development and Green Belt

- 1.5. Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the West Midlands Green Belt which is classified as being the least sequentially preferable location for development. The policy consequently sets out that development will be resisted in such areas unless permitted by national policy on Green Belts.
- 1.6. National policy on Green Belts is set out within the National Planning Policy Framework (Framework) at section 13. Paragraph 143 is particularly relevant and stipulates that inappropriate development is,

by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Inappropriate development includes the construction of new buildings other than those listed as exceptions in paragraph 145 of the Framework.

- 1.7. The exception listed at paragraph 145b of the Framework allows for the “provision of facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”.

Impact on Openness

- 1.8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to keep land permanently open with the essential characteristics being its permanence and openness. It is important to note that openness is a broad policy concept which has variously defined by the Courts as “unbuilt on land” or “the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact”. The Courts have also established that the concept of the openness can have a spatial aspect as well as a visual aspect. However, it is not a necessarily a statement about the visual qualities of the land. Equally, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new building there. In essence, even if new buildings have a limited visual impact they can still reduce openness.
- 1.9. In this case the application site is currently free from any permanent structures. The proposed construction of buildings and associated infrastructure on this land would clearly result in a permanent loss of that openness. It is therefore considered that the proposed building would be inappropriate development within the Green Belt, which is by definition harmful to Green Belt and should not be approved except in very special circumstances (NPPF paragraph 143). Paragraph 144 goes on to say that “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt” and that “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. This is the test to be considered.

Case for ‘very special circumstances’

- 1.10. The applicant’s agent has set out that the stable accommodation is required on the application site in order to provide some form of stabling for the applicant’s horses.
- 1.11. The Local Planning Authority, upon consultation with an independent specialist, have concluded that there is no requirement for the proposed building within this location. There are a number of onsite constraints, including the acreage of the application site, topography of the land and its overlying soil and poor quality of pasture, which would not make it possible to provide grazing of the correct quality on this land area sufficient to hold three horses. In addition to these on-site constraints, the applicant has failed to provide evidence/information as to the need for further stabling within the locality and on the application site, based on the number of existing stabling facilities within close proximity to the application site.
- 1.12. It is therefore considered that the proposal constitutes a form of inappropriate development within the Green Belt, which is not outweighed by ‘very special circumstances’.

2. Heritage and Archaeology

- 1.13. Section 16 of the Framework and policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.

Scheduled Ancient Monument

- 1.14. The application site lies within the extent of the scheduled monument known as ‘Medieval settlement at Withybrook’ (List Entry No. 1016849). The monument is split over four separate areas of designation and relates to the remains of a shrunken medieval and post-medieval village. There is good evidence for the settlement, with well-preserved earthworks and buried remains and detailed

documentary sources. The site enhances our understanding of the development of settlement, technology and building techniques through the medieval and post-medieval periods, and provides important evidence for the socio-economic make-up of the population and what rural life was like during these periods.

- 1.15. The monument has preserved a wide range of earthwork remains, including tofts and crofts (house platforms), tackways and hollow ways, a moated site, fishponds and a mill, as well cultivation remains such as field boundaries and ridge and furrow. Substantial buried features and environmental deposits are also likely to survive. The part of the monument containing the application site is bound by Overstone Road on the south and east, and Main Street on the west. A large square building platform, approximately 30m by 30m in size, is cut into the rising ground in the centre of this area. It was originally approached by a deep, slightly sinuous, hollow way measuring up to 2m deep and 3m wide, leading northwards from Overstone Road towards the centre of the platform. This area also includes the remains of the village pinfold, which was located in the angle between the two roads.
- 1.16. Historic England have objected to the application on heritage grounds, outlining that the access driveway/trackway has had a serious impact upon the scheduled monument, both physically and upon the monument's character. The ground reductions have not only impacted below ground deposits; but have also cut through upstanding earthwork remains of the hollow-way and the house platform. Historic England consider this to have adversely impacted our understanding of the form, function and layout of this site and truncated archaeological remains which are a key part of the scheduled monument's significance. It is the view of Historic England that the works for the access track (and installation of gateway and toppings) have resulted in considerable harm to this part of the scheduled monument's significance. Furthermore, the location and scale of the stable block to be inappropriate and harmful to the significance of the scheduled monument.
- 1.17. Scheduled Ancient Monuments are designated heritage assets of the highest significance, equivalent to a grade 1 listed building, and protected under the Ancient Monuments and Archaeological Areas Act 1979. The harm identified therefore carries substantial weight against the proposal and the grant of planning permission.

Archaeology

- 1.18. The proposed development lies within an area of significant archaeological potential, within the site of the shrunken settlement at Withybrook (Warwickshire Historic Environment Record MWA4221) dating to the medieval period. Whilst the archaeological desk based assessment (DBA) does provide information placing the site within its archaeological and historic context together with some information relating to previous disturbance across the site, it fails to fully assess the extent and scale of the impact that the previous works undertaken without planning consent will have had upon the earthworks. The scale of damage that has already occurred to this heritage asset and the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information.
- 1.19. It is therefore conclude that insufficient information has been provided regarding the potential archaeological remains on the site and the potential impact of the proposal on their significance, contrary to Local Plan policy SDC3 and paragraph 189 of the Framework.

Conclusion

- 1.20. It is the opinion of the Local Planning Authority, and that of Historic England, that the impact of the works collectively result in substantial harm to the scheduled monument and its setting. Paragraph 195 of the Framework sets out that where a proposed development will lead to substantial harm to or loss of a designated heritage asset, consent should be refused unless, it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or where the following criteria (a to d) set out within this paragraph apply. These criteria do not apply in this case, however the case of public benefits, and the weighting of these benefits, will be considered within the overall planning balance.

Landscape and Visual Impact

- 1.21. Section 12 of the Framework and policies NE3, SDC1 and SDC2 of the Local Plan set out the importance of good design and landscaping in new developments. They also set out the importance of considering the impact of development on the landscape.
- 1.22. The scale and location of the proposed building is such that it would appear too large and visually intrusive within the site and surrounding area contrary to policies NE3, SDC1 and SDC2.

Highways

- 1.23. The application is retrospective in nature as the proposed gated access and driveway, has already been constructed. This access and associated driveway/track has been created off Overstone Road along the southern boundary of the site.
- 1.24. Whilst, WCC Highway Authority has raised no objection to the proposal subject to conditions, one of these conditions includes resurfacing of the access with bound material from a distance of 5 metres from the highway. The purpose of this condition is to prevent the transfer of mud onto the road. Without such condition the access would be unacceptable in highway terms. However, there has been insufficient information submitted to assess the impact of resurfacing this section of the access would have on the designated heritage asset and any potential archaeology, and as such the inclusion of such condition is not considered appropriate.
- 1.25. It is therefore considered, based on the information submitted, that safe and suitable access can't be achieved from the site contrary to policy D1 of the Local Plan and paragraph 108 of the NPPF.

Trees and Hedgerows

- 1.26. The construction of the access has resulted in a section of the hedgerow being removed. This hedgerow qualifies as important under the Hedgerow Regulations 1997 under the criteria for archaeology and history since it incorporates an archaeological feature which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act. The hedgerow is also shown on both the 1781 estate map and 1844 tithe map, details of which are included within the submitted DBA, and was therefore surveyed before prior to the Short Titles Act (Inclosure) of 1845.
- 1.27. Policy NE3 seeks to ensure that significant landscape features are protected and enhanced and recognising their important contribution to landscape character. The loss of part of this hedgerow, without any suitable compensation strategy is contrary to this policy and paragraph 175(c) of the NPPF.

Planning Balance.

- 1.28. Overall, it is concluded that the development would constitute a form of inappropriate development within the Green Belt which would impact upon the openness of the Green Belt. Furthermore the proposal would have a harmful impact upon the Scheduled Ancient Monument and its setting which would result in substantial harm. The applicant has failed to provide sufficient information to assess the impact upon any archaeological potential for the site. Other harm includes impact upon visual amenity, unsafe and suitable access, and the irreversible loss of part of the hedgerow which qualifies as important under the hedgerow regulations. The public benefits advanced by the applicant, which include supporting a viable use of the land that would be comparable with a strategy that conserves the asset, and any intrusive archaeological investigations required as part of this proposed development will be advantageous to understanding the significance of the asset, are not sufficient to outweigh the identified harm.
- 1.29. The proposal is therefore in conflict with policies contained within the Development Plan and guidance contained within the NPPF.

Recommendation

Refusal

DRAFT DECISION

REFERENCE NO:

R18/0011

DATE APPLICATION VALID:

22-Jan-2018

APPLICANT:

Heather & Elizabeth Mac c/o Agent

AGENT:

Mr Gary Stephens, Marrons Planning Bridgeway House Bridgeway Stratford-Upon-Avon CV37 6YX

ADDRESS OF DEVELOPMENT:

LAND ON THE WEST SIDE OF, OVERSTONE ROAD, WITHYBROOK,

APPLICATION DESCRIPTION:

Erection of a stable block, provision of a hard surface area and retention of a driveway and gates (part retrospective).

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Local Plan 2011-2031, June 2019

GP2 Settlement Hierarchy

NE1 Protecting Designated Biodiversity & Geodiversity Assets

SDC1 Sustainable Design

SDC2 Landscaping

SDC3 Protecting and Enhancing the Historic Environment

National Planning Policy Framework 2019

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk.

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages. Therefore the proposed building and associated infrastructure constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for the proposed development in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy GP2 of the Rugby Local Plan 2011-2031, June 2019 and Section 13 of the NPPF.

REASON FOR REFUSAL: 2

It is the opinion of the Local Planning Authority that the scale and location of the proposed building is such that it would appear too large and visually intrusive within the site and surrounding area contrary to policies NE3 and SDC1 of the Rugby Local Plan 2011-2031, June 2019 and section 12 of the NPPF.

REASON FOR REFUSAL: 3

The proposed development lies within an area of significant archaeological potential, within the site of the shrunken settlement at Withybrook dating to the medieval.

The NPPF at paragraph 189 states that where a site on which a development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and, where necessary, a field evaluation. The proposed development is not supported by an archaeological site assessment which would have enabled a proper and detailed assessment of the character and extent of any archaeological features of important likely to be threatened by the proposed development and possibly worthy of conservation in whole or in part or of being fully investigated and recorded.

It is therefore considered that the proposed conflicts with policy SDC3 of the Rugby Local Plan 2011-2031, June 2019 and Section 16 of the NPPF.

REASON FOR REFUSAL: 4

The construction of the access has resulted in a section of the hedgerow being removed. This hedgerow qualifies as important under the Hedgerow Regulations 1997 under the criteria for archaeology and history.

The loss of part of this hedgerow, without any suitable compensation strategy is contrary to this policy NE3 of the Rugby Local Plan 2011-2031, June 2019 and paragraph 175(c) of the NPPF which seeks to ensure that significant landscape features are protected and enhanced and recognising their important contribution to landscape character.

REASON FOR REFUSAL: 5

The proposed development would cause substantial harm to the significance of the designated heritage asset and its setting. In the absence of the provision of any substantial public benefits to weigh against the harm to the significance of the designated heritage asset the development is contrary to policy SDC3 of the Rugby Local Plan 2011-2031, June 2019 and Section 16 of the NPPF.

REASON FOR REFUSAL: 6

It is the opinion of the Local Planning Authority that insufficient information has been submitted to demonstrate that the safe and suitable access can be achieved from the site, contrary policy D1 of the Rugby Local Plan 2011-2031, June 2019 and paragraph 108 of the NPPF.

STATEMENT OF POSITIVE ENGAGEMENT

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF. Unfortunately, it has not been possible to reach a positive conclusion in this instance due to conflict with local and national planning policies.

Reference number: R19/1097

Site address: Land North of Coventry Rd, Church Lawford, Warwickshire, CV21 2NG

Description: Pig Fattening Building.

Case Officer Name & Number: Nigel Reeves – 01788 533489

Introduction

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application comprises Major Development.

The site is located in the open countryside and the West Midlands Green Belt.

The Site and Surrounding Area

The site is located in open countryside with access from Coventry Road (A428) close to the railway overbridge. The site comprises open countryside which falls from south to north and from west to east down to the River Avon. The land is subdivided into large fields, divided by hedgerows and some trees. The fields are used mainly to grow crops (most recently corn).

The village of Church Lawford lies approximately 450m from the site of the proposed building in a NW direction. The nearest residential properties are located on Church Road and Coventry Rd. Oak Cottage located on Coventry Rd (close to the railway overbridge) is some 170 m from the proposed new building, but on the opposite side of the railway embankment.

A public footpath (Ref: R117) running from the churchyard in Church Lawford to Long Lawford, running close to the River Avon, passes to the north of the proposed agricultural building. A second public footpath (R119) runs from Church Lawford alongside a field boundary to a point close to the proposed site entrance on Coventry Road.

The new building is proposed to be located immediately to the north of the electrified Rugby –Coventry railway line which passes the site on a raised embankment.

Application Proposal

This application seeks full planning permission for the erection of a large agricultural building for the purposes of pig rearing and finishing, positioned in a large agricultural field, close to the railway embankment.

Young pigs will be brought to the building in HGVs and then fattened until they reach an acceptable size/weight. They are then sent off for processing, the building is cleaned and then a new batch of pigs arrives to begin the process again.

The proposal is for a pig rearing and finishing building, measuring 89.73 m long by 23.48m wide, and 8.16 m to the ridge. Further details about the design and layout of the building are contained in the Design and Layout section.

The building would house up to 1,990 pigs and would be stocked with pigs from around 35-45 kg liveweight. The pigs would be grown on for approximately 12 to 16 weeks, through to a finished liveweight of around 110 kg and then sent off for processing into meat.

The pigs would be reared in straw bedded pens. The passageways would be scraped three times a week and manure moved from the pens to a manure storage area within the two eastern bays of the proposed building. Manure from both the bedded "lying" areas of the pig pens and the manure store would be removed from site after each batch of pigs.

Access to the site is gained via an altered field access directly off Coventry Road (A428).

The planning application is supported by the following information:

- Planning Application Form
- Site Layout (including wider landscape proposals)
- Building Elevations
- Planning Statement - Design and Access Statement
- Amended Access Design
- Noise Assessment
- Odour Assessment
- Fly Infestation Report
- Ammonia Assessment
- Landscape and Visual Impact Assessment (LVIA)
- Heritage Assessment
- Transport Report plus Road Safety Assessment.

Relevant Planning History

None.

Technical Responses

Warwickshire County Council (Highways) – Initial objection overcome by the submission of amended details. Road Safety Audit acceptable.

Rugby Borough Council (Environmental Services) – Initial concerns overcome by submission of Revised Noise Assessment and recommendations contained within it.

Warwickshire CC (Local Flood Authority) – no objections.

Warwickshire CC (Ecology) – require a xxxx. Also recommend consult Natural England about ammonia issues.

Warwickshire CC (Rights of Way) – no objections subject to informatives – ROW R119 must be kept clear at all times.

Network Rail – comment and informatives relating to development close to railway line

Cadent – No objections and informatives relating to existing plant crossing the site

Environment Agency – No objections

Natural England – Holding Objection subsequently replaced by No Objection based on findings of Ammonia Report.

Warwickshire Fire & Rescue – all elevations should have a door access. Welcome sprinkler system.

Warwickshire Police – No Objection.

Representations:

68 emails of objection from nearby residents have been received by the Council in relation to this proposal:

In addition 14 separate written letters of objection have been received.

The concerns raised by the objectors about the original and amended plans are summarised below:

- the alterations to the landscape will affect footpaths which we regularly walk through on an almost daily basis - will be significantly intrusive on the surrounding countryside - new development should make a positive contribution to local character - there is currently a welcoming view across the fields and the Avon Valley from the Churchyard which will be significantly affected by the development - size of proposed building is excessive and not in keeping with the landscape or local area - proposal to erect large 6' fence around the building along with the building itself not in keeping with greenbelt.

- the potential environmental effects (noting in particular that the ecological survey was carried out in February when the vast majority of plant and animal life in the area is dormant or relatively inactive) – the findings are unbelievable given the number of sightings of bats, badgers, otters, cuckoo, herons, Red Kites and Wood peckers and Dragon Flies - impact on the character and appearance of the countryside, the environment and biodiversity
- concerns over traffic safety - I suffered a serious road accident on the A428 just outside our home in October 2014 - There have been multiple road traffic incidents along this stretch of the A428 in the almost 11 years since we moved to this property and adding an entrance with large HGVs turning up the hill just after the bridge on a bend in the road is a very significant concern. This is a lethal entrance to site. Highway inappropriate for HGVs & close proximity of low bridge - The A428 is a fast road with drivers frequently exceeding the 40mph speed limit - Regularly there are serious accidents and even fatalities close to the access point. Vehicles in wet conditions deposit muck and mud onto the road making the surface slippery and adding to the risk of skidding - tractors moving animal feed and waste products - concerned that as this manure will be carted around in open trailers what is to stop it falling out on the road
- Road Safety Audit - The RSA Team visited the site on 24th April between 10am and 10.30. This was when the country was in lockdown so not surprising that the road was quiet. The mitigation relies on relocation of signs and cutting back of hedges - uncertain whether this will be feasible. Also hedges grew back so this would not be a one off procedure. The hedge identified does not belong to the farmer so would rely on cooperation with others
- the flooding of the A428 under the railway bridge is also of significant concern as this is a frequent occurrence already, last winter resulting in multiple road closures, without building an enormous concrete based structure which will significantly add to water run-off from the fields onto the road
- Significant changes to initial application render current form incomplete & out of date. Structure is now higher with vents that will run day & night
- Noise - On a quiet night noise travels extremely well across the Avon Valley - the noise of any extraction fan will be audible where I live –sitting in the garden, and whenever any window is open - this will be intolerable, and severely affect quality of life - the new proposals include three high velocity ridge fans which will run 24/7 further adding to the noise created by the pigs. Noise created will be more prominent during summer months with windows open at night and people spending more time outside enjoying the peace and tranquility of village life - some residents in Long Lawford often hear the noise of the intensively reared pigs in their village, which are a similar distance away from this proposed one - Concerns about the noise - from the pigs, vehicles and machinery.
- Odour - smell from this plant will be prevalent at all times, and become a significant issue if the wind is in the wrong direction - smell of pig manure is truly awful – prevailing wind is westerly and will blow odour over our property
- Landscape - impact on views from Kings Newnham not considered

- Leisure & amenity area for local urban community will be impacted
- Health & Safety issues regarding railway line now even more important due to raw sewage being discharged on to the railway line during times of Covid-19
- Heavy carbon footprint with little benefit to local community
- Outside the spirit of Local Plan Policy NE3
- Little additional employment
- Inappropriate site - this proposal offers nothing to the village, no jobs, no wealth building, no growth. It's a facility being moved from the Bretford area to blight our homes - applicant for this development has a significant range of building including a pig fattening building and all the access infra structure in already in place – why can't it go there? – Development at the existing farm has effectively been ruled out due to a discussion between the applicant Mr Harris and an EHO officer visiting the existing farm.
- Impact on River Avon & wildlife corridor will be devastating
- the sheer magnitude of the proposed building will have a significant negative impact on the landscape and immediate topography. The height of the building has now been further increased to include 1m high velocity ridge fans - there are no single agricultural buildings of similar size, footprint and lay out in the vicinity - initiative is well outside what we might expect to coexist with village life.
- Proposed mitigation planting will be unnatural in locality which currently has open low hedges and long views across the Avon Valley. The buildings and associated works would be very prominent and clearly in conflict with policy NE3 and ED4
- Heritage Impacts - the proposed location is clearly visible from the two Grade II listed buildings in the village. The National planning policy framework chapter 15 point 170a protect and enhance valued landscape. Surely this will be visually prominent from these sites and will have a negative impact on the peace and tranquility of those visiting St Peters Church and its churchyard, from where you will have prominent views of the building
- Ammonia travels on the wind and can mix with industrial and car fumes, creating a form of “particulate matter”, PM 2.5, that has been linked to higher death rates, respiratory problems, cardiovascular diseases, cognitive decline and low birth weights – many older people live in the vicinity of the site
- Insect Management - the report does not state what practices the farmer will use, just states best practice - Flies aren't just a nuisance, they carry diseases that can pose a serious health hazard to people and animals - over the last few years we have experienced a substantial increase – fly problems experienced around other pig farms in area - related issue with flies as seen in the Brinklow area which is a risk in this part of Warwickshire – increased no. of flies in village this summer.
- Impact on public pathways - walkers and ramblers will not want to be hearing animals being killed or kept in such conditions squealing – the building will clearly be viewable from Shakespeare Way, a public footpath running through the field close to the proposed building - access is also adjacent to two public footpaths increasing danger of being run over by HGVs

- Residential amenity - under the impression that having such a substantial building producing such toxic smells and noise would be against all regulations and could not be built so close to a private dwelling - various environmental reports that have been issued, are these based on actual figures obtained from similar operational units or are they just calculated
- Flooding - Church Lawford bridge already has issues with flooding and closed regularly over the last few weeks - plans include a large structure along with concreted floor will prevent water from draining away into the natural countryside
- Notification – residents of Long Lawford should have been formally notified of proposal. – only a site notice was erected next to footpath in village
- Animal Welfare - the pigs will most definitely suffer as they should be outside. please refer to the atrocities at nearby Hogwood Farm - if you don't oppose it you will not protect the welfare of the animals adequately – should move away from eating animal products - with the rapid rise of veganism around the world then there is less and less need for meat products, why promote something that is on the decline! - The rules on keeping farm animals are very easy to break in regards to welfare - the pigs will not be afforded natural movement and be kept indoors - consider the WHO recommendations to reduce meat consumption - proposed development constitutes a risk to both human and animal wellbeing, as well as a potential threat to the local environment - alarming emergence in humans of bacteria, which have acquired, through this use, resistance to antimicrobials.” Antibiotic bacteria like E. coli, salmonella, campylobacter and the pig strain of MRSA may be inside the building.
- External Lighting - will give light pollution to the area which is presently Green Belt – will cause a nuisance to neighbouring households
- Ecology - there are streams running down the field either side of the planned building site, which empty into the River Avon at the bottom of the field, it raises concerns over potential water pollution from run off of soiled water from cleaning the buildings and lorries. The river is home to White Clawed Crayfish which is a protected species, as are the otters that live in the river too.
- Environmental Permitting - planning as has been requested for 1990 pigs 10 less than the 2000 required for a full environment report to be provided – who is going to check the numbers in the building?
- Slurry Pits - Concerns about the slurry pits - flies/odour.

Councillor Timms has objected to the proposal on the following grounds:

- I wish to comment on this application as I have received many messages of concern from residents. I know that this is a major application so will go to full planning committee. However I would urge that the council ensures that there is a very open and transparent process for this controversial application.
- The main concerns I wish to comment on are with regard to HGV movements to and from the site including both feedstuffs, pigs and cleaning out operations. Despite the current speed limit this road does routinely have vehicles moving at fast speeds with the potential for accidents to occur. This must be fully

accounted for in the decision made. There is also the low railway bridge which suffers from constant flooding in the winter. This development must not further impact on the flooding already suffered on this A road. Also when the road is flooded how will this development be accessed and how does that impact on other residential areas locally.

Church Lawford Parish Council objected to the original application on the following grounds:

- The development is in the Green Belt, and while agricultural development is permitted within the Belt, the proposed development would by virtue of its scale, massing, visual appearance, and lack of mitigating landscaping have a profound impact on the local area. The site will be visible by walkers on several footpaths, including 'Shakespeare's Way', by travellers on trains out of Rugby to Coventry, and most particularly by the residents of Church Road, the southern part of School Street, and the north side of the A428. This proposed unit separated from the main farm is not supported by RBC Local Plan NE3. The proposed pig unit at Grandborough, R17/0937 had similar visual and amenity impact. CLPC request that this application should be refused on the same basis.
- The development will bring additional heavy goods traffic to Church Lawford. There is a height restriction on the A428 at the railway bridge, which is well signed and recognised by most route planning software, preventing the majority of over-height traffic from using this stretch of road. The development will bring new full size articulated truck traffic to this location, and possibly through the village. Traffic exiting the site will turn right, up a hill, with a bridge, dip and curve behind it, creating a risk of collision.
- The development will increase the carbon footprint of the village during construction and operation. Environmentally, the proposed unit constitutes a risk to the water quality of the River Avon, as it is less than 150m from the riverbank, and very close to two small watercourses that feed into the Avon from the south.
- The development brings risks of socially undesirable side effects affecting walkers and nearby homes: noise of animals, flies associated with the management of manure, the odour of pig manure - especially during removal and transport - and the risk of rodent infestation.
- The proposed building is just over 400m from two Grade II Listed Buildings: St Peters Church, and The Manor House next to it, and is in a direct line of sight from both buildings.

Amended Plans.

The application was updated with additional documents on 16/06/20, which covered landscaping, odour and insect management, drainage, noise, waste management, ecology, heritage, visual environment, and road safety. The following additional objections were made by the Parish Council in relation to the amended plans:

- The Landscape and Visual assessment classes the impact of the proposal as 'major /moderate without any mitigation'. The proposed planting scheme is not sufficient mitigation for residents, walkers, or train users, bearing in mind the increased height due to the addition of fans and colour of the roofing material. Residents note that one of the proposed hedges is in a dip, and there is no mitigation of the view from the churchyard.
- The traffic assessment was undertaken during the 'Covid lockdown' and therefore underestimates traffic on the A428. The assessment of the safety of the exit is based on traffic obeying the speed limit in good conditions. Large laden trucks turning right up a hill constitutes an unnecessary and avoidable risk. Residents request that a measured speed survey be undertaken during a period of typical road usage to properly understand the risks.
- There is disagreement with the assessment of bio-diversity at and close to the site, and disagreement about how close the site is to the river Avon. The proposed development will damage the ecology of the area during construction, and put wildlife under increasing pressure during operation. The approach of separating 'dirty water' from rain water brings with it the risk of spills and consequent environmental damage.
- The noise of animals will now have the additional noise of the extractor fans, a particular concern at night. The inclusion of the fans is a tacit admission that odour can be a problem, and it is not clear that fans will necessarily mitigate this concern. The document regarding management of flies is generic, and there is no commitment to it. Residents' experience is that flies are already a problem.
- The proposed building is just over 400m from two Grade II Listed Buildings: St Peters Church, and The Manor House next to it, and is in a direct line of sight from both buildings. Residents disagree with the Heritage Assessment, and feel that the height, length, colour and hard edged shape of the building will materially impact the setting of these two buildings.
- The revisions to the proposals attempt to mitigate previously raised concerns. They do nothing to address the conflicts with Local Plan policies NE3 (conflict with the landscape), ED4 – Farm Diversification (reuse of buildings, scale and nature integrated into the landscape with minimal adverse impact, impact on property values, acceptable vehicle movements), or D1 – Impact of HGVs.
- Should this application be approved CPLC requests that the following condition be placed on the approval: that should the unit fall into disuse, then the building and its infrastructure be dismantled and the site returned to the original landscape.

Warwickshire CPRE have also objected and contributed to the above objection. In addition they have concerns about:

- The building would be very visible from Church Lawford, from the Shakespeare Way footpath which passes between the application site and the River Avon,

- The proposal would directly affect the landscape of the Avon valley, where the river dips south to form a loop with Church Lawford's church at a higher level to the west. The building would be a stark structure that would not fit into the landscape. No landscaping is proposed
- The proposal would be contrary to Policy NE3 Landscape Protection and Enhancement (full text at end of this letter). Tested against Policy NE3, the proposed pig unit does not positively contribute to landscape character; landscape planning has not been integrated into the design; the landscape context has not been considered in the application, including local distinctiveness;
- The application would also be contrary to Policy SDC3 because it would fail to protect or enhance the setting of the listed Grade II St Peter's Church. The prominence of the church tower in the Avon valley makes its setting the whole valley as far south as the railway
- The public interest is affected directly by the harm to the quality of views from both the Shakespeare Way footpath to the north of the application site and the railway to the south
- CPRE Warwickshire does not oppose the aim of MG Harris Ltd to develop a second pig unit separate from their existing unit at Hillcrest Farm. We believe that they can find other existing units to rent, such as the industrial estate at Lawford Heath north of the A45,
- CPRE Warwickshire draws the planning authority's attention to the refusal on landscape grounds of the application for a pig unit at Grandborough Fields, Grandborough Parish, by the Borough Planning Committee in February 2018 (R17/0937).
- Regarding the amended plans, the CPRE maintains their objection on the grounds that the landscaping mitigation is insufficient to overcome the harm to the landscape.

Marrons Planning have been appointed by local residents to co-ordinate their concerns about the application proposal. These are summarised as follows:

The proposal fails to accord with policy and as a result it does not constitute sustainable development. Whilst it provides new agricultural accommodation and thus accords with the economic objective of the Framework (NPPF), it will not deliver a well-designed development and fails to enhance the natural and historic environment including making effective use of land. As such the proposal fails to accord with Paragraphs (9b) and 8(c) of the Framework.

It is considered that the development conflicts with the policies in the development plan and there are no material considerations which determine that the application should be determined otherwise in accordance with the plan. As such, planning permission should therefore be refused in accordance with Section 38(6) of the Act and paragraph 12 of the Framework.

This representation then goes on to point out the following in support of the above viewpoint:

- the building is not a replacement agricultural unit for that given up by the applicants at Brandon Grange Farm – it will have an increased capacity of 60% - this increased scale results in harm in landscape and visual impact terms

- the reason for not expanding the existing Pig Rearing Unit at Hill Crest Farm, Church Lawford is tenuous – based on an anecdotal comments of a Council EHO officer that they would not support the proposal
- Rugby Borough Council did support an expansion of the pig rearing development at Hill Crest farm (R17/0151). If this was brought forward it would utilise existing infrastructure negating the need for a new substantial access at the current proposal, and prevent the sprawl of farm buildings
- The grandeur of the setting of nearby listed buildings in Church Lawford will be materially affected , when viewed from the public footpath. No heritage assessment has been provided by the applicant.
- There is no public benefit derived from the application proposal – the key test set out at paras 195 and 196 of the NPPF – it will solely benefit the applicant and confer no public benefit whatsoever. The relevant policy tests in the NPPF are therefore failed and permission should be refused
- The existing landscape condition around Church Lawford and the River Avon is currently strong. This contributes to both the landscape setting and the setting of the heritage assets – the proposal will significantly impact the visual amenity of the users of the footpath as well as from viewpoints from further afield – it therefore fails to comply with Policy ED3 as the development will not be well integrated into the existing landscape
- No proper assessment in landscape terms has been carried out (using relevant background data e.g. Warwickshire CC Landscape Assessment)
- The Local Plan seeks to ensure that development achieves the highest design quality – the building will have an unjustifiable scale and located within an area of landscape that is particularly sensitive and which will have alien and incongruent impact
- Landscaping should be an integral part of the proposal. In this instance, no landscaping is provided and in any event if it was provided, the scale of the building means that it would not have any material screening impact for decades.
- The current proposal is much closer to residential properties than the previous proposal at Hill Crest Farm
- The proposal will be expected to achieve a net gain in biodiversity terms – it is unclear how this is achieved
- The River Avon forms part of the Borough's Strategic Green and Blue Infrastructure – the proposal makes no contribution towards the enhancement of this corridor as required by Policy NE2
- No provision appears to have been taken for the management and treatment of waste water which appears to be discharged firstly into the becks that adjoin the site and then into the River Avon.

5 emails and 8 letters of support for the proposal have also been received. The comments received are summarised as follows:

- The proposed plans designed to have the minimum impact and the changes made to the access seem to have negated any legitimate concerns that could arise.
- At a time when this country is leaving the EU and food security should be being made a priority
- surprised that the applicants are facing such concerted and generally unfounded opposition.

- the Council appears to allow the building of an ever-increasing number of houses on fields surrounding the town, yet a small pig unit in a rural location is facing repeated rejections.
- the impact from the applicants existing unit has been minimal - the siting of the new unit will cause the minimum of problems it is situated pretty much equidistant from the majority of homes in both Church Lawford and Long Lawford
- farming is a hard hit industry at the moment and its good that the applicant is in a position to expand and grow his business - the land is agricultural land for food production - am not a farmer but do have friends who are and I appreciate their job over the years has become an uphill struggle & battle to survive and make any sort of decent living
- appalled and disappointed at the hysteria and response this application has had on a select group of people in Church Lawford - it has created mass panic within our parish & now the surrounding villages
- My partner and I own a small acreage of grazing land with stables and a menage on Clayhill Lane, adjacent to the applicants existing farm and pig unit - never been affected by any of the operations of the farm or pig unit - less than 5 times a year, there is a detectable aroma from the pig unit, but even on those occasions it not strong or particularly unpleasant,

The National Farmers Union (NFU) has also written to support the proposal. The NFU make the following points:

- the applicants are a long-standing farming family
- due to global trends there is a tendency for farm units to get bigger to achieve economies of scale to combat low cost imports from the continent.
- 60% of British Pork is imported from abroad and produced at lower welfare standards to British produced pork products
- the applicants have sited the building to take account of the prevailing south-westerly winds to avoid nuisance to nearby residents
- Animal Welfare is particularly important to the applicants – in terms of management and the treatment of animals. The pigs will be kept on straw based systems which are better for animal welfare than other pig rearing systems – production is monitored via the Red Tractor system and the end user.
- Smells from pig farms can normally be controlled using good farm management - the pigs are kept in straw bedded pens and the manure is stored internally. This is then exchanged with other farmers for new straw, ensuring that farmland is enriched elsewhere.

Relevant Planning Policies and Documents

National Planning Policy Framework – 2019 (NPPF)

Section 2 : Achieving Sustainable Development.

(inc paras 11-14: Presumption in favour of Sustainable Development)

Section 4 : Decision Making
 Section 6: Building a Strong and Competitive Economy
 Section 8 : Promoting Healthy and Sustainable Communities
 Section 9: Promoting Sustainable Transport
 Section 12: Achieving Well Designed Places
 Section 13; Protecting Green Belt Land.
 Section 14: Meeting the Challenge of Climate Change, Flooding & Coastal Change
 Section 15: Conserving and Enhancing the Natural Environment
 Section 16: Conserving and Enhancing the Historic Environment

Rugby Borough Local Plan 2011-2031 – Adopted June 2019.

GP1 – Securing Sustainable Development	Complies
GP2 – Settlement Hierarchy	Complies
NE1 – Protecting Designated Biodiversity and Geodiversity Assets.	Complies
NE3 – Landscape Protection and Enhancement	Complies
SDC1 – Sustainable Design	Complies
SDC2 – Landscaping	Complies
SDC3 - Protecting and Enhancing the Historic Environment.	Complies
SDC5 – Flood Risk Management	Complies
SDC6 – Sustainable Drainage	Complies
D1 – Transport	Complies

Determining Considerations

The main considerations in respect of this application are as follows:

- the principle of the development of the site for a pig rearing business,
- impact on the Green Belt
- highway safety
- design and layout
- landscape and visual impact and landscape enhancement
- heritage impact
- residential amenity
- ecology.
- flood risk and drainage

The impacts of each of these matters are then balanced in the conclusion.

Principle of the development of the site for a pig rearing business

The application site is located within the open countryside and the Green Belt. The land forms part of a wider agricultural holding that supports both arable and pig rearing. There is already a large pig rearing unit at Hillcrest Farm just off Clayhill

Lane, Long Lawford within the same ownership. The current proposal will complement the existing unit at Hillcrest Farm.

Policy GP2 of the adopted Rugby Local Plan states that in locations in the open countryside and the Green Belt, new development will be resisted, and, only where national policy on these locations allows will development be permitted.

Para 83 of the NPPF states, that planning decisions should enable the development and diversification of agriculture and other land-based rural businesses. The proposal comprises the construction of a new agricultural building for the purposes of agriculture (pig rearing) on an existing large agricultural unit. Therefore the proposal is considered to be acceptable in land use terms, subject to addressing other material considerations. The impact on the Green belt is discussed below.

Green Belt Impact.

Section 13 of the NPPF, sets out national planning policy relating to proposed development in the Green Belt.

Para 133 of the NPPF states, that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Para 134 goes on to state that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In terms of considering proposals in the Green Belt, Para 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Para 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. However this also has to be read alongside Para 145 below.

Para 145 states, that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However subsection (a) of this paragraph states that exceptions to this are buildings for agriculture and forestry. It

is important to note that there is no restriction on the size or height of agricultural buildings in this subsection - unlike other subsections which seek to preserve the openness of the Green Belt or prevent disproportionate additions to original buildings.

Based on the above, the change of use of the site and the potential impact of the Green Belt thus complies with the locational strategy for new development proposals as set out in Policy GP2 and paragraph 145 the NPPF.

Highway Safety/Rights of Way.

Policy D1 and Section 9 of the NPPF seeks to promote sustainable modes of transport and also seeks to mitigate against the transport impacts that may arise from new development proposals.

Originally WCC Highways placed a holding objection due to the lack of information about how the scheme was going to operate in highway terms, due to the change of use that was proposed.

Amended plans have subsequently been received which have overcome the highway authorities concerns. The access design has been amended to show a large radii (15m on the right side exiting the site and 6m on the left side exiting the site). This will in effect prevent large HGV's leaving the site and turning left onto the A428 towards the railway bridge and Long Lawford, whilst still allowing normal farm traffic to use this route to get to the main farm complex in Long Lawford.

This matter has also raised significant concerns from objectors, particularly because of the perceived problem that at times of heavy rainfall the low lying parts of the A426 carriageway under the railway bridge are often closed due to floodwater. However HGVs accessing the site will not need to pass under the railway bridge as they will enter/leave the site going to/from a westerly direction. Other visits to monitor the site will be carried out in smaller farm vehicles, which will come from the main farm complex.

On the basis of the above, WCC Highways removed their objection to the scheme and recommended approval subject to conditions.

The existing footpaths that run close to the site – R117 and R119 – will not be affected by the development. Advice from WCC Rights of Way is that the footpaths should not be blocked and kept fully open and accessible during all phases of the construction period. The vast majority of the above footpath network will not be affected by this development. However, care will be needed when the proposed site entrance is constructed to ensure that the footpath route is kept free of any obstruction and fenced to avoid any conflict with walkers using this route.

The proposal is therefore considered to be acceptable and in compliance with Policy D1.

Design and Layout

The proposed pig fattening building will comprise a large dual pitched steel agricultural style building, with a footprint measuring 89.73m long by 23.48m wide, and a height of 5.44m to the eaves and 8.16m to the ridge. Large steel doors are proposed to be inserted in the north facing elevation and a side door in the eastern facing elevation. 3 no extractor fans will be located on the ridge raising the overall height of these parts of the building slightly. The building will be constructed in dark green profiled metal cladding. A feed hopper is also proposed to be located at the rear of the building. A small underground dirty water tank is also proposed to be located next to the east elevation.

An access road will run from the modified existing field access on the A428, turning into the site and running parallel to the railway embankment. This leads to a hard standing area to the side of the building where HGV's and other vehicles can load/unload and turn.

The building is sited on rising ground backing onto the existing railway embankment that carries the main Rugby – Coventry railway line. The railway line is electrified and has overhead gantries carrying the power cables above the rails. There is a woodland on the south side of the railway embankment containing mature trees. Both of these features will provide a backdrop to the proposed building.

Views of the site are currently obtained from the public footpath that leads from St Peter's Churchyard along the River Avon valley past the site to Long Lawford.

The proposed building will undoubtedly be fairly large, although of a size found on other agricultural units, (an assessment of the landscape impact is covered in the next section) and originally it was planned to sit in a fairly open setting in a much larger field. However, as a result of negotiations during the course of the consideration of the application, the following additional features will be incorporated:

- a bund will be provided around the 3 open sides of the proposed building. This bund will be planted with extra-heavy native trees, which will in effect screen the majority of the building and the hard-standing area from views from the open countryside, increasing as the tree planting matures.
- Two existing hedgerows running either side of the proposed building will also be enhanced by the planting of native trees, to again break up long intervening views.
- A new post and rail fence with native hedgerow will run alongside the new access road that leads from the proposed building to the access onto the A428.
- A wildflower meadow will be planted in the strip of land between the road and the railway embankment.

Whilst landscape impact is covered in more detail in the section below, the above does have a significant impact in mitigating the bulk and massing of this agricultural building, by the significant screening that will now result.

Landscape and Visual Impact and Landscape Enhancement

LVIA Ltd was commissioned in May 2020, to carry out a landscape and visual assessment (LVIA) of the proposed development site located at Church Lawford, Rugby.

The brief was to assess the likely landscape and visual impact of the development and identify the degree of change over the existing use and site conditions. All viewpoints were chosen from publicly accessible vantage points. Particular attention was paid to the potential views of receptors of high sensitivity, e.g. users of Public Rights of Way (PRoW) or Landscape and visual impact assessments can be defined as a mechanism by which the landscape can be assessed against its capacity to accommodate change.

The aim of the LVIA is to provide an assessment of the potential landscape and visual effects of the proposed development upon the receiving landscape, in line with current legislation and guidance.

The assessment was undertaken in accordance with the advisory guidelines set out in Guidelines for Landscape and Visual Impact Assessment – Third Edition (2013).

The LVIA conclusions were as follows:

The scale and nature of the development and its juxtaposition to other agricultural development will have a medium landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of minor (i.e. not a material change).

The visual effects are minimal due in most part to dense intervening vegetation between the viewer and site, the topography in the area and the similar agricultural setting of the proposed scheme.

For the proposed site and the surroundings during construction, an increase of delivery vehicles and people travelling to the works can be expected. These effects will be short lived however, and will not require mitigation during the construction process.

The majority of viewpoints in the local area can be considered of high sensitivity, (users of PRoW or long distance walking route). The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate (i.e. a material change) from viewpoints within approximately 2-300metres of the site boundary where the landform

and existing vegetation does not form visual barriers. The wider landscape allows some views of the site, but they will be seen in the context of the existing built form and agricultural nature of the landscape.

Mitigation measures proposed in the LVIA would include:

- Native tree and hedgerow planting to the site boundaries;
- Management and maintenance of existing surrounding hedgerow and trees;
- The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending, for example green metal sheeting.

The LVIA therefore concluded that with suitable mitigation measures, the development will have a minor visual impact (i.e. not a material change)

RBC's Landscape Officer originally commented on the submitted LVIA as follows:

The dimensions of this development appear to be relatively large. (8m height, 90m length and 24m width).

The landscape and visual impact assessment (LVIA) makes no real reference to the scale of the development and whilst viewpoints are included of the existing site context there are no photo-visualisations to represent the change to the landscape over a set period (e.g. 15 years). Photomontages would show how the proposed development would sit in the landscape and how the development of planting would potentially mitigate any negative landscape and visual effects.

Therefore, given the large dimensions it is not entirely clear how the LVIA has concluded that "the magnitude of change is small, therefore resulting in a level of landscape effect of minor (i.e. not a material change). The visual effects are minimal due in most part to dense intervening vegetation between the viewer and site, the topography in the area and the similar agricultural setting of the proposed scheme" and "The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate (i.e. a material change) from viewpoints within approximately 2-300metres of the site boundary where the landform and existing vegetation does not form visual barriers."

For example for viewpoints 1 and 2 the magnitude of visual impact is likely to be large (instead of medium), the definition of which is "The development would result in a prominent change in the existing view and/or would cause a prominent change in the quality and /or character of the view. The development would form prominent elements within the overall view and/or may be easily noticed by the observer or receptor. Standing out, striking, sharp, unmistakable, easily seen."

Therefore, given the dimensions and the likely major landscape and visual effects in the immediate vicinity I recommend that the LVIA is updated with photomontages to show how it sits in the landscape over a period of time and showing the emergence of mitigation planting.

This demonstrates that there can be differences of opinions over subjective assessments such as LVIA's. Given that the Zone of Theoretical Visibility (ZTV) is fairly contained within this part of the River Avon valley - bounded by the railway embankment to the south and the village of Church Lawford to the NW, plus rising land to the East (on which an existing Pig Farm building owned by the applicants sits) – efforts were made to address concerns relating to views of the building from various points along the public footpath – where the proposed development was considered to have the most impact on the existing landscape.

The original plans proposed fairly limited landscape enhancement around the proposed building, although these were significantly enhanced by the inclusion of a landscaped planted bund (full details in the Design and Layout Section above)

The amended plans significantly address RBCs Landscape Officers earlier concerns regarding the LVIA assessment. The comments are as follows:

Enhanced planting (and bunding) has been provided to mitigate negative landscape and visual effects and accompanying photo montage. I have no objection subject to inclusion of condition below;

- *All proposed landscape planting detailed within the approved landscaping scheme must be planted in the 1st planting season following completion of construction. If within a period of 10 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations. Reason: to maintain and enhance continuity of tree/hedge/shrub cover within the site and local landscape and to mitigate negative landscape and visual effects.*

I concur with the revised comments of RBC's landscape Officer and consider that the inclusion of the landscaped bund around the building plus other landscape enhancements will help to screen and moderate the impact on the adjoining landscape. In particular the landscape enhancements will assist in breaking up, what is a fairly large field system, subdivided by low hedgerows, and to bring back a more defined field system accentuated by tree planting.

Views along the public footpath, will be slightly altered by the introduction of the planted bund (which will also help to screen part of the railway embankment), but overall views along the River Avon Valley from this footpath will in the main still be

retained as the eye will be drawn to the river valley rather than development abutting the railway embankment.

On this basis, the amended proposal is considered to be acceptable in terms of its impact on the landscape and complies with Policy NE1.

Heritage Impact.

The closest heritage assets to the application site are within the village of Church Lawford, approximately 400m to the north west of the proposed building. These are:

- Church Of St Peter, Church Rd, Church Lawford - Grade II (List No. 1034904),
- The Manor House, 34 Church Rd, Church Lawford – Grade II (List No.1365083).

Both of these buildings are located along the top of a gentle ridge, but their frontage/principle elevations face onto Church Road. The Churchyard at St Peter's Church, containing mature trees within and along its boundary and the walled rear garden of the Manor House (again containing planting along the rear boundary) face the application site, which is at a lower level.

The applicants have submitted a Heritage Assessment which concluded:

It is considered that the proposed development will be predominantly viewed as agricultural development within an agricultural setting / landscape, the proposed use of the site is deemed to be acceptable and falls within a reasonable use category.

It is contended that the proposed building will have a negligible impact on either of the listed buildings to the north-west of the application site. Both the Church of St Peter and the Manor House are bound by existing vegetation which offers a natural screen to the development. The Manor House is also bound by a substantial clay brick wall. It is generally considered that no inter-visibility will be achievable from either of the listed buildings.

With regards to any impact on the wider setting of either The Church of St Peter or The Manor House, it is concluded that proposals of this nature are not uncommon within the surrounding area. The proposed development could not reasonably be construed as unusual within the immediate landscape.

It is concluded that the setting of the existing listed buildings are, for the best part, protected by existing boundary treatments. No inter-visibility between the proposed development and the listed buildings are generally possible. When considering this fact, along with the extent of physical separation between the proposed development and the listed buildings, it is contended that any potential impact on the setting can only reasonably be deemed negligible.

The above heritage assessment was produced before the plans were amended to provide the planted landscaped bund around the proposed building, when it would have been potentially more visible in particular from part of the churchyard, which forms part of the heritage asset (The Church of St Peter). Therefore the above assessment is not fully supported for these reasons.

The proposal when originally submitted, (when these more open views would have existed), would therefore be considered to result in and impact on the adjacent heritage assets in the order of 'Less than Substantial Harm', although at the lower end of the scale due to the fairly long distance between the heritage assets and the proposed building.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This approach is also supported in Policy x in the adopted Local Plan

In terms of the perceived harm, now that the additional planted bund will be provided as well as other intervening tree planting, this harm is now further reduced as direct views from the heritage assets will be lessened.

In terms of public benefits, the proposal will allow additional food production to be supported in the locality and will help to reduce imports of food into the UK. In addition the proposal will assist a local farming business to continue to thrive, as well as supporting local employment in the agricultural field. Other public benefits, will include an improvement to existing agricultural land, by improving the biodiversity and nature conservation value of field boundaries by the introduction of additional tree planting and wildflower meadows.

The limited less than substantial harm to the heritage assets in the vicinity of the application proposal is therefore clearly outweighed by the public benefits. The proposal is therefore considered to comply with guidance set out in Paragraph 196 of the NPPF and Policy SDC3 in the Local Plan.

Impact on Residential Amenity

Policy SDC1 of the Local Plan states that new development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The main activity associated with Pig Farms that is acknowledged to cause nuisance, includes:

- Noise
- Odours
- Fly Infestation
- Ammonia

There have also been a large number of objections from local residents about the proposal, relating particularly to noise and smells.

The nearest properties to the proposal are as follows:

- Oak Cottage, Coventry Rd (adj railway overbridge) – 200m to the south-west but separated from the site by the raised railway embankment.
- Mount Pleasant Farm, Coventry Rd (on south side of A428) – 450m to the south-east but separated from the site by the raised railway embankment
- Hillcrest, Coventry Rd (on north side of A428) – 460m to the west
- Lineside Cottage, Coventry Rd (on south side of A428) – 480m to the west
- Various dwellings on the south side of Church Road, Church Lawford – 460m to the north-west on raised ground (including Kihaco and Badgers Barn which are the closest).

In order to address the above concerns, the applicants have submitted the following reports:

Noise Impact Assessment.

A Noise Impact Assessment for the proposal was carried out by RSK in April 2020. The assessment concerns potential impacts on nearby sensitive receptors from industrial/commercial noise associated with the operation of the proposed facility.

The site is located approximately 430 m from the nearest noise sensitive receptors in Church Lawford. Closer to the proposed development location is a single residential property, however, this property is close to the West Coast Mainline railway and so is already subjected to high noise levels.

The proposed operations which have the potential to contribute to the noise climate of the area when constructed will be as follows:

- Sound from the pigs;
- Sound from the telehandler used to straw down the shed;
- Sound from the food delivery; and
- The extractor fans used to ventilate the shed.

Noise Monitoring Equipment was used to monitor background noise readings at a distance of 310m to the NW of the proposed building, close to residential properties in Church Lawford. Predicted noise levels from each of the above activities were assessed and compared to the background readings.

The Noise Impact Assessment concluded the following:

The assessment has been informed by unattended noise monitoring to characterise the background acoustic environment at nearby sensitive receptors to the north,

south and west of the proposed site. The monitored LA90,T levels have been used to determine the representative background levels used in the assessment. Industrial/commercial sound associated with the pig unit has been assessed using the methodology described in BS4142:2014+A1:2019.

The assessment shows the predicted rating levels at nearby sensitive receptors do not exceed the representative background levels, meaning adverse impacts for nearby residential receptors are unlikely. Therefore, no additional mitigation has been specified.

In the absence of specific vendor data, noise emission limits have also been calculated for three extractor fans. The calculated noise emission limit is a sound power level of 83 dB(A) per fan.

Maximum noise levels have been assessed against the WHO night-time noise disturbance guidelines and the criteria if 45 dB LAFmax is not predicted to be exceeded

Odour Report

An Odour Modelling Study for a Pig Unit on land at Coventry Road, Church Lawford, Rugby (December 2019) was produced by RSK ADAS.

This study looked at the potential for odour impact from a proposed pig rearing unit on land at Coventry Road, Church Lawford, Rugby. The objective of the study is to carry out odour dispersion modelling to assess how odour emissions from the pig rearing unit may affect residential receptors in the surrounding area.

The pigs would be reared indoors in straw bedded pens. The passageways would be scraped three times a week and manure moved from the pens to a manure storage area within the two eastern bays of the proposed building. Manure from both the bedded “lying” areas of the pig pens and the manure store would be removed from site after each batch of pigs. The only source of odour in this proposal is from the building. Following initial odour modelling, it was recommended that high velocity ridge fans should be installed to mitigate odour impacts. Under the mitigation scenario, odour emissions would be emitted upwards from the ridge extraction fans.

Peak odour emissions will sometimes occur when larger quantities of manure would be removed from the building at the end of each batch. At these times the deep straw bedded lying areas would be completely cleaned out between batches of pigs. This periodic cleaning-out activity may cause a short-term peak of odour emissions as any soiled bedding/manure within the pens is disturbed and removed, although at these times there would be no pigs in the building. Emissions are likely to be variable and dependent upon the management of the muck removal activities.

In terms of the dispersion of the odour, a plume of odour naturally disperses through the turbulent motion of the atmosphere as it moves downwind from the point of release. Due to this turbulent mixing process, odour concentrations downwind from a source will not be uniform. Characteristically, in any given hour, there are short

duration peaks in concentration that last for a few seconds, separated by longer periods, when the concentrations are low or zero.

Odour emissions from the pig unit were quantified using emission rates measured in Ministry of Agriculture, Fisheries and Food (now the Department for Environment, Food and Rural Affairs) research work on pig growing/finishing facilities elsewhere. The estimated emission rates were then used in atmospheric dispersion modelling in order to assess the potential impact of odours in the area around the application site.

Modelling of prevailing wind directions at the Church Lawford Meteorological Station from 2014 to 2014, indicates the relative frequency of wind directions and wind speeds used in the modelling study, and it shows a relatively common pattern of prevailing south westerly wind directions, with more limited days where the prevailing wind blows from a south-easterly direction (towards Church Lawford) or from a north-easterly direction (towards Oak Cottage). The potential odour dispersal was then modelled and mapped.

Odour concentration are expressed as European Odour Units per cubic metre of air (ouE/m³) and odour emission rates, which are derived from odour concentrations multiplied by airflow rates, are expressed as European Odour Units per second (ouE/s). The following descriptions of how odour of certain concentrations might be perceived may be helpful:

- 1.0 – 2.0 ouE/m³ – This is defined as the odour detection limit or threshold in laboratory conditions.
- 2.0 - 3.0 ouE/m³ – A particular odour may become just detectable against normal background odour.
- 3.0 - 5.0 ouE/m³ – Odour may be both detectable and identifiable, but most observers would only describe it as faint.
- 5.0 - 10.0 ouE/m³ – Odour levels in this range may become annoying, if persistent and/or unpleasant.
- 10.0+ ouE/m³ – Most observers would describe unwanted odours as being of moderate or strong intensity.

In terms of its findings, the Study concluded the following:

The Odour modelling was initially carried out on the basis of the proposed pig building being naturally ventilated with distributed or “fugitive” odour emissions from the building. The odour modelling results from this scenario predicted that the five-year average annual 98th percentile hourly mean odour concentration would be below the suggested benchmark range of 3.0 ouE/m³ to 5.0 ouE/m³ benchmarks at all modelled receptors apart from the closest receptor on Coventry Road. At this receptor the five-year average annual 98th percentile hourly mean odour concentration was predicted to be 5.61 ouE/m³ and the five-year maximum was 6.75 ouE/m³.

Further odour modelling was then carried out to assess potential alternative ventilation in the form of high velocity ridge fans to mitigate the impact of odour emissions. With the inclusion of the proposed mitigation measure, the odour

modelling predicts that the five-year average annual 98th percentile hourly mean odour concentrations would be below the suggested benchmark range of 3.0 to 5.0 ouE/m³ at all modelled receptors, including the closest receptor at Coventry Road (Oak Cottage). The five-year average annual 98th percentile hourly mean odour concentrations are also predicted to be below the more stringent lower benchmark of 3.0 ouE/m³ at all modelled receptors.

With the inclusion of the high velocity ridge fans to mitigate odour impacts, 'slight adverse' effects are predicted at the closest receptor and 'negligible' effects at all other modelled receptors. It is therefore concluded that the proposed pig rearing unit would not result in any significant loss of local residential amenity with the inclusion of the mitigation measure.

Fly Infestation Report

This has been addressed in the report prepared by Ian Pick Associates, which is summarised below:

The control of flies and other insects is important because they can transmit disease among pig populations. Fly populations can also cause a nuisance to pigs and become a welfare concern, as well as generating complaints from neighbours. Effective control is an integral part of maintaining high health and productivity in modern pig production. Having a control system in operation also forms part of farm assurance standards.

To keep fly numbers under control throughout the year, an integrated fly control programme is essential:

- minimise the breeding sites available to flies with an effective manure management strategy.
- pay attention to areas where dirty material may collect, such as the corners and edges of pens and under feeders.
- carcass disposal sites must be covered to prevent fly access
- accumulations of spilled feed create ideal breeding sites.

This is proposed to be achieved using a combination of Chemical Controls and Non-Chemical Controls (e.g. screens, cleaning regimes, good ventilation, avoid non-essential vehicle movements on to/off the site)

Ammonia Report

An ammonia dispersion modelling study to assess the potential impact of ammonia emissions on nature conservation sites from the proposed pig rearing building, was produced by RSK ADAS (May 2020).

A number of designated nature conservation sites are located within the surrounding area. There are two Sites of Special Scientific Interests within 5 km of the application site, although only one site is designated for its habitat features with the other site designated for geological features. Within 2 km of the site there are a number of non-statutory local sites including two Local Wildlife Sites, two ancient woodlands and 14 potential Local Wildlife Sites as well as some undesignated ecosites. There are no international designated sites within 10 km of the application site.

Ammonia emissions have been quantified based on the results from a recent monitoring study reported by the Agricultural and Horticultural Development Board study for a similar existing pig rearing unit. The calculated emissions figures were then used in atmospheric dispersion modelling to assess the potential impacts of ammonia emissions on designated sites.

The report concluded the following:

- *The results of the screening model run show that predicted process contributions to atmospheric ammonia concentrations, nitrogen deposition and acid deposition rates are well below the EA threshold of 20% of the relevant critical level and critical loads at the discrete receptor point representing Draycote Meadows SSSI. The predicted process contributions are also below the more stringent Natural England precautionary threshold of 1% at this discrete receptor point. Ammonia effects at Draycote Meadows SSSI are therefore not significant.*
- *The results of the screening model run show that predicted process contributions to atmospheric ammonia concentrations, nitrogen deposition and acid deposition rates are below the EA threshold of 100% at all of the discrete receptor points representing the LWSs, pLWSs and AWs.*
- *However the modelled contour plot shows a small area of exceedance of the threshold of 100% of the critical level and critical load at the River Avon and Tributaries LWS. This area of exceedance extends over approximately 50m-60m of the LWS tributary (ditch) along the eastern boundary of the application site. This is a very small section of the LWS and would be subject to continual dilution. As noted by the ecology survey carried out at the site this ditch consists of an insignificant part of the LWS and does not contain any flora of any note. Significant effects at the LWS are therefore unlikely.*
- *No significant effects are therefore predicted at the LWSs, pLWSs or AWs.*
- *The predicted process contributions to atmospheric ammonia concentrations are below the EA threshold of 100% at all of the discrete receptor points representing the ecosites. The predicted process contribution to nitrogen deposition and acid deposition are also below the EA threshold of 100% of the relevant critical loads at the discrete receptor points representing the ecosites, apart from at the London to Birmingham Mainline Railway ecosite, where a slight exceedance is predicted at two of the modelled discrete receptor points.*
- *The London to Birmingham Mainline Railway ecosite comprises the railway corridor running east-west along the southern boundary of the site. The main interest of the ecosite is as a continuous wildlife corridor through the landscape, rather than the type of vegetation growing along the banks. An ecology survey carried out at the site identified that the section along the southern boundary of the site mainly comprises scattered scrub and tall ruderal vegetation.*
- *Because the only exceedance predicted during the screening model run was a slight exceedance at the closest section of an ecosite, which does not have any formal designation such as a LWS, it was concluded that further detailed*

modelling was not required. No significant effects are therefore predicted on nearby ecosites.

- *The modelling assessment that has been carried out does not show potential for significant adverse impacts on the nature conservation sites as a result of ammonia emissions from the proposed pig building.*

Natural England has assessed the report and raises no objection to its content and findings.

Assessment of Above Reports.

RBC Environmental Protection has commented on the above reports as follows:

No objections to this application subject to the following comments. This memorandum is split with consideration of the submitted documents that fall within my remit to comment. As these have addressed areas I would otherwise have put forward for conditions, if the documents can be accepted and written into the decision notice, this would be acceptable.

With regard to a meeting on 13th January 2020 between Henry Biddington (Principle EHO) when he met with Paul Rhodes (Agent), Peter and Robert Harris (applicants) and Nigel Reeves (planning) one item of discussion was a proposal for a bio bed around the set to filter all waste water run-off. Having regard to comments from Natural England, Woodland Trust and the Environment Agency, they will have more input with regard to such a measure for ecological controls for ammonia / nitrogen run-off control.

I have noted within the Supporting Report the following:

All manure will be solid and will be stored within the two eastern bays of the building. It will be removed after each batch of pigs and following steam cleaning of the pens. The fall of the building is designed to allow any liquid to be absorbed in the stored manure; therefore a muck tank will not be required.

The building will have capacity for 1990 pigs at any one time.

It is intended that no manure from the proposed pig building will be spread on the 38 acres at Church Lawford) it will be temporary and will be dissipated in an easterly direction into open countryside

I have also noted comments in the RSK ADAS for MJ Harris Farming Odour Assessment Report, An Odour Modelling Study for a Pig Unit on land at Coventry Road, Church Lawford, Rugby, December 2019, project no 443630-01 (00), dated 20 December 2019 status FINAL, that the site will fall just under the limit to require a permit from the EA under the Environmental Permitting Regulations. As such, it is likely that any complaints would be investigated with regard to statutory nuisance under the Environmental Protection Act 1990.

Ammonia Report

With regard to the RSK ADAS for MJ Harris Farming Ammonia Impact Assessment Report, An Ammonia Modelling Study for a Proposed Pig Building on land at Coventry Road, Church Lawford, Rugby May 2020, project No. 443630-02(01), dated 29 May 2020, status FINAL I have the following comments.

Given the modelling it is considered that Natural England, Woodland Trust, Environment Agency and WCC Ecology will be better placed to respond as my concerns are more of the odorous effects and impacts upon air quality, rather than impacts on nature conservation sites.

I have noted that this is now based upon mechanical extraction fans in roof rather than natural ventilation.

Figures 6.1, 6.2 and 6.3 follow wind rose data, showing limited effects toward residential. This does not preclude impacts on residential receptors however indicates effects should be limited.

With regard to correspondence with Natural England during December 2020 and January 2021, I will defer to their expertise with regard to concerns over airborne and ground/water borne ammonia and nitrogen impacts.

Noise

With regard to the MJ Harris Farming Ltd, Pig Unit Noise, Church Lawford, Noise Impact Assessment, 297823-RSK-RP-01(00) dated 03 April 2020 Revision 0, I have the following comments.

Section 2.7 refers to meeting on 13/1/20 Henry Biddington (Principle EHO) met with Paul Rhodes (Agent), Peter and Robert Harris (applicants) as well as Nigel Reeves (planning) and confirmed a noise assessment was required, to include consideration of mechanical ventilation as part of the odour control strategy.

Section 3.3 noise source includes the extractor fans to ventilate the shed.

I am in broad agreement with the assumptions made within the report, including those in

-Section 6.1 – reversing alarm on telehandler tonal and impulsive,

- tables within section 6.2,

Section 6.3 LAFmax comparison and the -10dB correction for open window (I have considered guidance including NANR 116 ‘Open/closed window research, sound insulation through ventilated domestic windows’

Section 7.1 maximum sound power level emission from each fan of 83dBA.

Section 8 conclusions noted

Overall the report is considered acceptable despite typographical errors and the proposed development should be operated to comply with assumptions/predictions.

As such, the noise control measures in section 7.1 should be implemented (via a planning condition).

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

Insect Management

With regard to the Ian Pick Associates Ltd R19/1097 – Pig Fattening Building at Church Lawford, Insect management Plan I have the following comments. It is a limited but broadly acceptable plan with regard to different forms of controls and monitoring of fly population throughout the year. I recommend it is accepted and implemented.

As such, the controls identified should be conditioned, these being:

An insect management plan (control system) shall be in operation for the pig fattening building.

There shall be monitoring of the fly population throughout the year to allow proactive measures to be taken to address potential fly problems;

Any sites where insects are breeding on the farm shall be identified and treated;

Any material forming a breeding site shall be removed not less than weekly.

Potential breeding sites available to flies shall be minimised with reference to the manure management strategy.

Specific attention shall be paid to areas where dirty material may collect, such as the corners and edges of pens and under feeders to prevent accumulations.

carcass disposal sites shall be covered to prevent fly access

accumulations of spilled feed shall be cleared to prevent breeding sites.

Chemical Control

Adulticides

These can be used as baits, sprays, paints and mists to rapidly reduce high numbers of adult flies and stop flies from laying more eggs and spreading bacteria and other pathogens around the farm. These shall be applied as per manufactures instructions and appropriate.

Piles of wet manure provide an ideal breeding site for flies so any stored manure shall be compacted and covered to increase the temperature and prevent flies from breeding.

Larvicides

These will prevent larvae from developing into adult flies and as eggs and larvae make up a large percentage of the fly population. Larvicides shall be applied to breeding sites as per manufactures instructions and appropriate to significantly reduce the number of new adult flies emerging.

Non-chemical control

Screens shall be used in conjunction with insecticides

Good ventilation

Insufficient airflow results in condensation forming in houses. Within the constraints of animals needs, as much airflow as possible shall be maintained to promote moisture removal from manure and other fly breeding media

Spilled feed shall be cleaned up regularly, e.g. from under troughs, augers and feed bins

Vegetation surrounding pig buildings and yards shall be kept under control and any spilled manure or feed cleared from these areas

All-in all-out management shall ensure that empty buildings can be thoroughly cleaned and disinfected eliminating the majority of insects and their breeding sites

Movement of equipment between buildings shall be minimised to reduce the risk of re-infestations.

Resistance

Intensive use of the same insecticide can result in resistant flies in as little as two years. To slow the development of resistance there shall be rotation of the chemicals used on the unit as per appropriate guidance and manufactures instructions with products chosen which are based on different active ingredients.

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

Odour

With regard to the RSK ADAS for MJ Harris Farming Odour Assessment Report, An Odour Modelling Study for a Pig Unit on land at Coventry Road, Church Lawford, Rugby, December 2019, project no 443630-01 (00), dated 20 December 2019 status FINAL I have the following comments.

The report has noted the change from natural to mechanical ventilation.

Section 1.1.2 notes that the pig building is to house up to 1990 pigs.

Section 2.1.1 comments upon peak odour emissions during clean out between batches of pigs. It is considered that such odour releases would receive limited dispersion from the mechanical ventilation, as the telehandler will be operating and loading the agricultural trailers, necessitating the loading doors be open. As noted, there are good practice techniques described in the Code of Good Agricultural Practice (DEFRA, 2009) that if followed, will mitigate and minimise odours.

I have noted the decision and reasoning behind the conversion factors used to convert the emission rate in ou/s/kg to ouE/s/kg.

With regard to section 2.2 Assessment of the impact of odour, I have noted the use of the FIDOR protocol.

Section 2.5 discusses the dose related odour impact on communities. As a new development and at least initially, any odours are more likely to be noticed.

Section 4.2 scenario 2: mitigation (high velocity ridge fans) shows a predicted improvement in odour impacts compared to natural ventilation as was first proposed. This is based upon wind-rose data and so should there be situations such as strong south easterly winds, residential properties could be affected by odours.

I accept the comments in section 6 Summary and Conclusions.

Overall the report appears acceptable. Operations shall be carried out in accordance with the assumptions within the report to follow the predicted and modelled odour levels including section 4.2 scenario 2: mitigation (high velocity ridge fans).

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

Waste Management

The Ian Pick Associated Ltd, R19/1097 – Pig Fattening Building at Church Lawford, Waste Management Strategy is brief but states manure removal by telehandler to agricultural trailers that will be sheeted before leaving site. The Supporting Report states that ‘it is intended that no manure from the proposed pig building will be spread on the 38 acres at Church Lawford.’ As it is also stated in the Supporting Report that ‘the building is designed to allow any liquid to be absorbed in the stored manure; therefore a muck tank will not be required’ only ‘solid’ manure should need removal. I am prepared to recommend this document be accepted and implemented; in the event of complaints additional controls may be necessary.

As such, the document should be conditioned in addition to the following:

No manure from the proposed pig building shall be spread on the 38 acres at Church Lawford.

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

I concur with the comments of RBC Environmental Protection and consider that the subject to appropriate conditions suggested above and the applicants complying with guidance/best practice set out in the above specialist reports, there should not be any increased impact on the amenities of nearby residential properties as a result of this proposal.

Natural England has raised no objections to the findings of the Ammonia Report.

This proposed change of use is therefore considered to be acceptable on these grounds and is thus in accordance with Policy SDC1 of the Local Plan.

Ecology and Nature Conservation.

A Preliminary Ecological Survey of the site and its surroundings was carried out by Cotswold Wildlife Surveys in February 2020. This concluded that the site is of low wildlife interest, this due to the land being dominated by arable farmland under continuous cultivation. It recommended that care is taken if any works to trees and hedgerows are carried out during the bird nesting season, and that if works need to be carried out then a further survey is undertaken.

The Ammonia Report described in the above section considered the impact of ammonia resulting from the site affecting nearby watercourses or woodlands. The modelling assessment that has been carried out does not show potential for significant adverse impacts on the nature conservation sites as a result of ammonia emissions from the proposed pig building.

Currently the fields surrounding the proposed building comprise fairly intensively farmed land – it is currently used to harvest maize. The improvements to the landscape described above(i.e. bund with native tree planting, additional tree planting to bulk up the hedgerows boundaries and a new hedgerow/wildflower meadow) will all contribute towards providing a net benefit to the local landscape, nature conservation and ecological value in the locality of the proposal.

A Biodiversity Impact Assessment has been submitted, prepared by

This produced the following results:

Baseline (before works)

Effect Loss 1.55 ha of arable land - Permanent loss of provisioning services - 3.10 units from arable land

Baseline (after works)

Effect Gain 0.7 ha of building/hard standing No ecological value but will contribute to provisioning services.- 0 biodiversity units from building/construction

0.07 ha wetland: :standing water Increased opportunity for aquatic plants and invertebrates - 0.72 biodiversity units from pond creation

0.49 ha semi-improved neutral grassland Increased opportunity for pollinating insects - 3.61 biodiversity units from semi-improved neutral grassland

0.29 ha woodland: broad leaved plantation Provides new habitat for nesting and feeding birds -0.77 biodiversity units from buffer planting

0.94 km of hedgerow with trees planted or enhanced Provides new habitat for nesting and feeding birds and foraging bats. Increased connectivity within the landscape - 5.76 biodiversity units from new and enhanced hedgerows

In summary, the project results in a loss of habitat which provides provisioning services in a rural location. Mitigation on and off site seeks to provide a gain in biodiversity by providing a new mosaic of habitats including grassland, woodland, wetland and hedgerows which enhances the area for aquatic plants and invertebrates, birds, bats and pollinating insects. The new development itself also serves to compensate for the provisioning services lost.

On this basis the proposal is considered to comply with Policy NE3.

Flood Risk and Drainage.

The site is located in Flood Zone 1 and is thus not at risk of Flooding.

A Drainage Report was submitted by Ian Pick Associates. This shows the following:

The revised site layout incorporates a natural pond, where any water run-off from the roof and outdoor hard-standings can collect (when the building is cleaned out) where it can run into to be stored and cleaned. Reed beds and planted margins will be provided to this pond to enable the water to be cleaned naturally, before discharging via a restricted outlet into the adjacent water course.

An underground storage tank is provided to collect all water used to clean the internal parts of the building, preventing entry to the surrounding water courses. This will be emptied and taken away by a tanker at suitable interval

The Lead Local Flood Authority has raised no objection to the proposal.

Other Matters.

The proposed pig unit at Grandborough, R17/0937, which was dismissed at appeal was argued by some objectors to have similar visual and amenity impacts as the current proposal.

It is a common tenet of planning law that each planning application is dealt with on its individual merits. Although both planning applications relate to pig fattening buildings, they are in completely different parts of the Borough, the sites have their own unique characteristics, including their setting within the landscape. Therefore, the appeal decision at Grandborough has not been given any weight in the consideration of the current proposal.

Some local residents have complained that the proposal will impact on their own activities (e.g. horse paddocks, dog breeding). The assessments submitted to address noise and other potential nuisance demonstrate that

Extension of Time Agreement

The applicant has agreed to an extension of time until Friday 25th June 2021 to determine this planning application.

Conclusion – The Planning Balance.

The proposal involves the construction of an agricultural building on agricultural land located in the open countryside which is washed over by Green Belt designation. In terms of the principle of development for the reasons set out above this use is acceptable in such a location. The proposal therefore complies with Policy GP2 and the NPPF.

In terms of the material considerations, based on the above assessment, the proposal is considered to be acceptable in terms of highway safety, landscape impact, impact on heritage assets, the amenity of nearby residential properties and ecology/nature conservation matters. The proposal is therefore in compliance with Policies NE1, NE3, SDC1, SDC2, SDC3, SDC5, SDC6 and D1.

The proposed use with the suggested conditions including noise/amenity protection measures is therefore considered to be acceptable and in compliance with Policy SDC1.

RECOMMENDATION:

The application is therefore considered to be in accordance with the National Planning Policy Framework and Local Plan policies and is therefore recommended for approval subject to the requirement to first consult the Secretary of State and the conditions set out below.

Under the Town & Country Planning (Consultation) (Direction) 2009, as the development comprises floorspace in excess of 1,000 sq.m within the Green Belt, where the Council is minded to approve a planning application, they must first consult the Secretary of State about the proposal, before the decision can be issued.

DRAFT DECISION

APPLICATION NUMBER

R19/1097

DATE VALID

30th July 2019

ADDRESS OF DEVELOPMENT: Land North of Coventry Rd, Church Lawford, Warwickshire, CV21 2NG

APPLICANT/AGENT:

APPLICATION DESCRIPTION: Pig Fattening Building

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- IP/PH/01 – Site Location Plan
- IP/PH/02 – Site Plan
- IP/PH/03 – Elevations and Plan View
- IP/PH/04 Rev A – Bellmouth Design
- IPA 1123-S Rev A – Soft Landscaping Proposals
- Stage 1 Road Safety Audit, A428 Rugby Road, Church Lawford - Proposed Site Access – Road safety Consulting Ltd – Dated 27/04/2020.

REASON: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3:

The Pig fattening building hereby approved shall be operated in accordance with the working practices and recommendations contained in the following documents, submitted with this planning application:

- MJ Harris Farming Ltd, Noise Impact Assessment, 297823-RSK-RP-01(00) dated 03 April 2020 Revision 0

- RSK ADAS for MJ Harris Farming Odour Assessment Report, An Odour Modelling Study for a Pig Unit on land at Coventry Road, Church Lawford, Rugby, December 2019, project no 443630-01 (00), dated 20 December 2019
- Ian Pick Associates Ltd, R19/1097 – Pig Fattening Building at Church Lawford, Waste Management Strategy
- Ammonia Impact Assessment Report (May 2020) - RSK ADAS
- Ian Pick Associates Ltd R19/1097 – Pig Fattening Building at Church Lawford, Insect management Plan

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION 4:

No pig manure or other waste generated by the approved development shall be spread on any part of the land edged blue indicated on the Site Location Plan submitted with this application – Ref IP/PH/01-Site Location Plan

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION 5:

All operations at the development hereby permitted shall be carried out in accordance with the assumptions contained within the report submitted with this application (*RSK ADAS for MJ Harris Farming Odour Assessment Report, An Odour Modelling Study for a Pig Unit on land at Coventry Road, Church Lawford, Rugby, December 2019, project no 443630-01 (00), dated 20 December 2019*) These operations shall accord with the predicted and modelled odour levels which are indicated in section 4.2 scenario 2: mitigation (high velocity ridge fans) of the report.

Reason: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION 6:

The noise control measures set out in section 7.1 of MJ Harris Farming Ltd, Noise Impact Assessment, 297823-RSK-RP-01(00) dated 03 April 2020 Revision should be implemented whilst the building is in use..

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION 7:

The bund indicated on the revised landscape drawing (ref: IPA 1123-S Rev A – Soft Landscaping Proposals) shall be constructed as per the submitted details indicated

on this drawing, before the building is first occupied. The tree planting to be provided on the bund and the other planting shown on the above drawing shall be planted in the first available planting season (Nov to March each year) following the occupation of the building. All tree, shrub, hedgerow and wildflower meadow planting shall be maintained for the lifetime of this development, and any losses shall be replaced during a period of 5 years from first planting.

Reason: To maintain an appropriate level of landscape screening around the proposed building and in the interests of increased biodiversity in the locality

CONDITION 8:

No external lights shall be fixed to the building hereby approved, unless full details are submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the rural landscape from light pollution and in the interest of amenity and ecological protection.

CONDITION 9:

The following highway design conditions shall be complied with before the development hereby approved is commenced|:

- (a). The development shall not be commenced until visibility splays have been provided to the vehicular access to the with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- (b). The development shall not be commenced until the existing vehicular access to the site has been remodelled in accordance with drawing number IP/PH/04A.
- (c). The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 16 metres as measured from the near edge of the public highway carriageway.
- (d). The development shall not be occupied until signage has been displayed within the site advising drivers of heavy goods vehicles and high vehicles of the presence of the existing low bridge east of the access, and informing such drivers that they must turn right when exiting the site, in accordance with a scheme agreed in writing with the Local Planning Authority.
- (e) The development shall not be occupied until the existing road sign approximately 22 metres south-east of the existing access has been moved, altered or replaced such that the information displayed thereon shall be visible and shall not be obscured by a large heavy goods vehicle waiting to turn out of the proposed vehicular access onto the public highway carriageway, in accordance with a scheme agreed in writing with the Local Planning Authority.

(f). The development shall not be occupied until a turning area has been provided within the site so as to enable large articulated Heavy Goods Vehicles to leave and re-enter the public highway in a forward gear.

Reason: In the interests of Highway Safety.

CONDITION 10.

No construction shall be undertaken until a Construction Management Plan, which shall contain details to prevent mud and debris on the public highway and an HGV Routeing Plan and shall identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, is submitted to and approved by both the Planning and Highway Authorities.

Reason: In the interests of Highway Safety.

INFORMATIVES.

A. Environmental Protection.

A. Construction hours

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: -

Monday – Friday 7.30 a.m. – 6.00 p.m.

Saturday 8.30 a.m. – 1.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority

B. Lighting

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off site effects.

C. Other legislation

The grant of planning permission does not preclude action being administered by Rugby Borough Council or a third party by way of relevant environmental legislation,

should complaints about excessive noise or other site operations be received and investigated.

B. Highways.

A. Condition number 8 above requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

B. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

C. Network Rail.

Network Rail has the following comments:

(1) Whether the position of the new junction and associated visibility splays are adequate, as approaching high sided vehicles will be in the centre of the carriageway. This is quite a busy main road. Network Rail would expect the Local Highway Authority to consider this issue.

(2) The Pig Fattery will be discharging the surface water into the watercourse downstream of the Network Rail culvert. However, we would add:

There are watercourses to the East and West of the proposed development and these must be maintained to allow the flow of water from the Network Rail culverts.

As always the development must not allow any surface or subsurface flow of water towards the operational railway.

The exact location of connections to the watercourse is not shown on the plan and the design of the tank has not been confirmed.

The proposal must not impact Network Rail infrastructure, but the design of the area for emptying the “dirty” tank would need to be robustly designed to contain pollution in the event of a spillage / apparatus failure when the tank is being emptied. Being right next to the watercourse, any spillage will be straight into the watercourse if it is not suitably bunded. This would be more of a concern for the EA rather than Network Rail, we are just mentioning out of observation and we would only be able to advise.

As the documents only give preliminary details, Network Rail would like to see the drainage design at later stages to ensure the railway will not be affected.

(3) The Works will be on the other side of the ‘Gas main’ from Network Rail boundary, there appears to be an easement between the gas main and our boundary.

(4) When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail’s liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWSouth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

D. Nature Conservation.

Since all in-use bird nests are protected by legislation from damage or destruction, any tree and shrub removal that is subsequently required, should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees and shrubs to be removed should be undertaken prior to clearance.

Work should not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species. Although no evidence of reptiles or amphibians was found, the potential for small mammals to be present on site exists, and thus care will be taken at all times during any vegetation removal and topsoil stripping. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area or left to vacate the work site in their own time.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they should either be covered overnight or escape routes should be provided. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

Reference: R20/1062

Site Address: LAND AT FOSSE CORNER (JUNCTION OF MILLERS LANE AND FOSSE WAY), MONKS KIRBY

Description: Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of 3 years.

Recommendation

Approval subject to appropriate conditions.

1. This case has been brought to the Planning Committee for consideration at the request of Councillor Gillias, due to concerns over matters relating to Green Belt, sustainable development, design and layout, highway access, flooding and animal welfare. It is also referred to Members due to the number of objections received.
2. It was delayed due to a combination of Purdah, the cancellation of the May 2021 Planning Committee and then the receipt of amended plans and additional documents. This accounts for the significant time taken between the original call in to the Planning Committee by Councillor Gillias and the case being brought before Members for consideration.
3. **Description of site**
 - 3.1 The application site occupies a narrow strip of land located between Withybrook Spinney (which flanks the whole of the rear boundary of the site) and the Fosse Way. Access to the site is via a recessed gated entrance immediately off the highway, opposite the junction of Fosse Way and Millers Lane. The site is also adjacent to the junction of Fosse Way and Bow Lane.
 - 3.2 The site has been enclosed by 2m+ high close boarded timber fencing, and the access is secured by a 5-bar timber gate which opens into the site. Along the boundaries with the adjacent highways remnants of roadside hedging remain, although these appear to have been thinned out recently. There is also a shallow drainage ditch that runs through Withybrook Spinney (to the rear of the site).
 - 3.3 At the time of the original planning site visit in January 2021, the site was partially waterlogged and there was evidence of flooding immediately adjacent to the site (in a field accessed off Millers Lane, and within Withybrook Spinney itself). Most of the site had already been hard surfaced with gravel at this time, apart from 2no. enclosed areas (presumed at the time to be paddocks) which were partially surfaced with broken concrete rooftiles. There were two plots located several metres apart from each other, although their parameters were not clearly defined. Each comprised 1no. static caravan, 1no. touring caravan, a large trampoline, 1-2no. towable trailers, and a timber shed.
 - 3.4 Within the site there were also 2no. portable chemical toilet units, 2no. secure storage lockers, several gas cannisters and a private utility vehicle. Several external lights

(presumably solar powered as there were no signs of wiring) and small half-moon planter boxes had been mounted on the fencing, and a name plaque had been affixed to a tree by the site entrance. There was also a rotary washing line and 3no. wheelie bins visible within the site. A manually operated fire alarm had also been installed on the back fence.

- 3.5 Following this planning site visit the LPA were made aware of continued development within the site, including the erection of a large timber building. Allegations of further and more permanent hard surfacing works being carried out were also received. In addition, the applicants advised the LPA that they had laid turf down on one of the paddock areas and had put soil and grass seed down on the other one.
- 3.6 Following the receipt of amended plans and additional information, and due to both the number of changes reported on site and the length of time since the original site visit, the LPA revisited the site on 20 May 2021. It was noted on this visit that the two paddocks were now both laid to grass as per the applicants' earlier notification (see above), and Mr Ayres referred to his one as a "garden" (which is how it appears). The same touring caravans still seemed to be located where they were sited on the previous site visit, but the mobile home belonging to Mr Ayres had changed. Neither of the mobile homes currently on the site reflected the details submitted by the applicants to indicate the style of the units they hoped to bring onto site if Members were minded to approve this application, and both were in slightly different locations to the ones shown on the amended site plan submitted with their planning application. An area of AstroTurf was still laid between the tourer and the mobile home used by Mr Jones, and he had placed a couple of ornamental potted trees on it. Both trampolines were still on site (although Mr Jones' one had been relocated onto his grassed area), as were the dog kennels, gas cannisters, solar fencing lights, planters, hand operated fire alarm and storage units. There were also various vehicles belonging to Mr Ayres and Mr Jones and their families. Both sheds were still in situ, but two stables had now been erected next to them. These new stables reflected the details of the stable units that form part of the retrospective planning application, but the doors were closed up and they did not appear to be housing ponies or horses at the time of the LPA visit.
- 3.7 Following this latest site visit and subsequent telephone discussions between the applicants and the LPA to clarify whether or not the trampolines and smaller sheds were to be considered as part of the proposals, the applicants confirmed by email that the trampolines had already been removed and the small sheds were only to be retained temporarily pending the outcome of this application; they will be either removed on their own if Members are minded to approve this application, or as part of the wholesale site clearance that the Enforcement Team will require should the application be refused.

4. **Description of proposals**

- 4.1 The applicants and their families moved on to the site just before Christmas 2020. They now seek retrospective consent to change the use of the land to a Gypsy and Traveller site for 2no. families, with 1no. outbuilding for each plot to serve as stabling facilities and utility rooms.
- 4.2 Following discussions with the LPA, the applicants are seeking a temporary planning permission for a three year period.
- 4.3 Not all of the works undertaken on site to date are covered by this application. Some unauthorised structures have already been removed from the site at the LPA's request,

and two unauthorised timber sheds are to be removed even if Members are minded to approve this application as they are not covered by the amended proposals (please see paragraph 3.7 of this report for details).

5 **Planning History**

R19/0906 Certificate of Lawfulness for retention of 2no. **Refused 28/08/19**
mobile structures used for forestry purposes. **Allowed on appeal 9/06/20**

6 **Relevant Planning Policies**

6.1 Rugby Borough Council Local Plan 2011-2031

GP1: Securing Sustainable Development	Complies
GP2: Settlement Hierarchy	Complies
GP5: Neighbourhood Level Documents	Complies
DS2: Sites for Gypsy, Travellers and Travelling Showpeople	Complies
HS5: Traffic Generation and Air Quality, Noise and Vibration	Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
SDC1: Sustainable Design	Complies

6.2 The last authorised use of this land was for forestry purposes (see above appeal decision). This means that it cannot be deemed to be previously developed land, as agriculture and forestry operations are not considered to be development in planning terms. Policy GP3: Previously Developed Land and Conversions is not therefore a consideration for the purposes of assessing this application, as the land has not previously been developed and has not had a previous formal change of use.

6.3 The National Planning Policy Framework February 2019

Section 2: Achieving sustainable development	Complies
Section 5: Delivering a sufficient supply of homes	Complies
Section 13: Protecting Green Belt land	Complies
Section 15: Conserving and enhancing the natural environment	Complies

6.4 The Planning Policy for Traveller Sites 2015

Policy B: Planning for traveller sites	Complies
Policy C: Sites in rural areas and the countryside	Complies
Policy E: Traveller sites in Green Belt	Complies
Policy H: Determining planning applications for traveller sites	Complies

6.5 Monks Kirby Parish Plan (updated 2015) **Conflicts**

6.6 Neither Pailton nor Withybrook Parishes have adopted Parish Plans or Neighbourhood Plans. Whilst Pailton Parish does have a Village Design Statement, it is dated 1999 and as such carries little material weight for consideration in Planning terms due to its age. Monks Kirby's Parish Plan was last updated in 2015, and so has limited weight in Planning terms, although it has still been considered as it is the most recent neighbourhood planning document available.

7 **Technical consultation responses**

7.1 Highways England - No objection, and no conditions or informative notes requested. They reiterated this stance when consulted on the amended and additional documents submitted by the applicants.

- 7.2 WCC Archaeology - Site is adjacent to an old Roman Road where archaeological finds were recorded in the 1990's. Had the application not been retrospective then would probably have asked for more details of the construction methods of the hardstanding and may have requested a condition requiring a programme of archaeological observation and recording. However, any damage to potential archaeological deposits will already have been done and there is no way to mitigate for that. As evidence may still exist around the site, they recommend an informative note be applied to raise awareness of this in the event of an approval.
- 7.3 WCC Flood Risk Management - They stated that they were unable to provide formal comments as this is not a major application. WCC carried out an investigation into localised flooding and have established that ineffective connectivity between the drains outside the site causing the localised flooding issues, rather than works within the application site. They are looking into possible drainage works around Bow Lane that could help alleviate the issue. Recommend applicants submit a suitable drainage strategy to show how the site drainage will be managed to avoid any increased flood risk.
- 7.4 WCC Highways - No objections subject to conditions. To maintain appropriate visibility for the access some hedging would need to be cut back to widen visibility splays. If this is NOT done, they will object on highway safety grounds. Conditions required re visibility splays, widening of the access, surfacing the access, gates, and drainage ditches. Informative note recommended re works in the highway extents.
- 7.5 WCC Ecology - Initially recommended Ecological Impact Assessment (EclA) and a Biodiversity Impact Assessment (BIA) be carried out to determine the extent of the impact, which should be based on habitat provision prior to the recent on-site changes. They then conducted a BIA of their own and based on their calculations they advised that the compensation required for the loss of semi-improved grassland within the site would be £33,106.00 if the loss had to be offset elsewhere within the borough. They therefore recommended a condition be applied in the event of an approval that would require the applicants to either a) agree a suitable compensatory scheme for off-site biodiversity provision, or b) undertake and submit a Habitat Management Plan to demonstrate how the loss could be mitigated for *within* the site.
- 7.6 RBC Environmental Health - No objections subject to conditions re contaminated land, manure, fires and commercial waste. Informative notes re prior sector housing team, domestic waste and recycling, drainage, air quality neutrality/mitigation, external lighting and impacts from existing activities.

- 7.7 RBC Tree Officer - Visited the site following report that a protected tree had been felled and damage had occurred to trees forming part of Withybrook Spinney. Advised that Withybrook Spinney serves as a significant natural landscape feature and visual amenity, and recommended it be put under a Woodland Tree Protection Order. Existing hedging helps to soften the visual impact of the new fencing around the site. No objections subject to remaining trees/woodland and hedging being retained.
- 7.8 RBC Works Services Unit - No comments received.
- 7.9 RBC Development Strategy - Principle of development should comply with Policy DS2 as the LPA don't have an adopted DPD to establish provision. May be deemed to be very special circumstances that could make it acceptable development in Green Belt if there is sufficient evidence to support that, but NPPF states that Gypsy and Traveller status on its own should not be a special exceptional circumstance that would make otherwise inappropriate development in the Green Belt acceptable.
- 7.10 RBC Legal Services - Provided clarification on correct terminology for very special circumstances and advised on suitable wording for a compensatory condition in line with WCC Ecology recommendations for biodiversity loss mitigation. Sought confirmation that the application was both temporary and to be made personal to the applicants and recommended that this be made more explicit within the report.

8 **Third party comments**

- 8.1 Warwickshire Police Gypsy and Traveller Liaison Officer - Keen to support relations between settled and Gypsy and Traveller communities in the area.

8.2 Parish Councils

8.2.1 Withybrook - **Objection**

- Inappropriate development in the Green Belt,
- Impairs visual landscape of Withybrook Spinney and has caused damage to biodiversity by removal of plants and undergrowth and laying of tarmac and hardcore,
- Meets none of the requirements of Paragraph 145 of the NPPF (special exceptional circumstances),
- Site and entrance adjacent to staggered junction where there have been several fatal collisions in recent years, and Fosse Way carries permanent warning signs to that effect,
- Site is known locally for flooding although not shown on Environment Agency's flood maps; site is surrounded on two sides by steep drainage ditch that permanently contains surface water from adjacent fields and frequently floods,

- Applicants incorrectly stated there are no trees or hedges of local landscape value, but Withybrook Spinney is rare example of ancient woodland that forms part of Parish Boundary, and
- Site does not meet British Horse Society standards; two stables proposed but insufficient grazing space within the site to accommodate needs of even one horse.

8.2.2 Monks Kirby - **Objection**

- Parishioners value rural location and don't wish to see it changed by what Parish Council consider to be inappropriate development,
- Site is in Green Belt where Paragraph 143 of the NPPF states development is harmful and should not be approved without very special circumstances,
- Site is on Parish Boundary and part of Withybrook Spinney, which is ancient woodland and important part of local landscape,
- Potential harm to Green Belt's openness, impairment of the visual landscape and damage to biodiversity on site and in Withybrook Spinney not outweighed by the application (as per [Paragraph] 144 of the NPPF),
- Application doesn't meet any exceptions to inappropriate development as per [Paragraph] 145 of the NPPF,
- Access on fast stretch of Fosse Way and sight lines not adequate to provide sufficient visibility to avoid accidents in area where there have been a number of fatalities,
- Application states site is not at risk of flooding, but inspection of site, full drainage ditches and surrounding fields clearly demonstrates the area is subject to serious localised flooding,
- No evidence to show other brown field sites outside Green Belt have been considered before site was developed and applied for retrospectively,
- Setting precedent for development in Green Belt can lead to creeping development, and [Paragraph]133 of the NPPF states that fundamental aim of Green Belt is to prevent urban sprawl, and
- Parish Council urges Rugby Borough Council to only approve green Belt applications that positively enhance its beneficial use, which this does not.

8.2.3 Pailton – **Objection**

- Pitches on Mere Lane (3 miles from site) still being rented out to non-travelling community, contravening planning conditions and Enforcement Notices and demonstrating there is no need for further pitches and “the issues this site would create”.
- Crime and the fear of crime are dominating material planning considerations as there already exists an unreasonable burden on residents in surrounding villages due to disproportionate allocation of Traveller sites in area.
- Significant harm that further sites would cause to local, settled communities and businesses should be vital consideration when assessing application.
- RBC's Community Safety Team and Partnership has duty to monitor, address and reduce fear of crime.

- Increasing sites allowed in this small area will not only dominate area but will increase fear of the settled community further.
- Application contravenes Local Plan which clearly states the site [should be] located within safe walking distance of nearest settlement, and that size reflects scale of nearest settlement, its local services and infrastructure.
- Allowing another site raises serious and important questions as to ability of RBC's Enforcement Team and the Police to 'police and protect' public within local settled communities in accordance with their lawful safeguarding responsibilities.
- Granting application would be in direct contravention of RBC's safeguarding duties, so application should be refused

8.3 Ward Councillors

8.3.1 Councillor Belinda Garcia - **Comment**

- Lots of flooding on site,
- External lighting is very bright,
- Lots of noise from the site, and
- Structures are being erected without consent.

8.3.2 Councillor Anthony Gillias - **Comment and refer to the Planning Committee**

- Concerns over Green Belt,
- Concerns over sustainable development,
- Concerns over design and layout,
- Concerns over highway access,
- Concerns over flooding, and
- Concerns over animal welfare.

8.4 Neighbours

8.4.1 **Objections** (40)

- Highway safety and congestion,
- Dangerous/substandard access onto Fosse Way,
- No evidence alternative brown field sites were considered,
- Inappropriate development in Green Belt,
- Harm caused to Green Belt,
- Impact on biodiversity and habitats,
- Local residents forced to leave the area due to lack of appropriate housing, so should be refused,
- Not identified in Local Plan for development,
- Not in keeping with rural area,
- Additional infrastructure loading on local services and amenities,
- Unsustainable,
- Environmental impact,
- Inappropriate fencing causing visual harm,
- No justification or special exceptional circumstances,
- Visual impact/impairment,
- Unauthorised/existing development exceeds and/or deviates from proposal,
- Impact on Withybrook Spinney and loss of trees,
- Flooding,
- Area already has several Gypsy and Traveller sites,
- No community consultation prior to applicants moving onto site,
- Negative effects on local wildlife, and

- Size of site not sufficient to meet British Horse Society standards for number of stables proposed.

9 Considerations

9.1 Principle of development

The site lies within the Green Belt and is also in open countryside. Development is usually considered to be inappropriate in such locations unless local and national policy supports it.

9.2 Section 2: Achieving sustainable development of the NPPF states a presumption in favour of development, although it makes it clear that this presumption only applies in cases where there is no policy conflict.

9.3 Paragraph 61 of Section 5: Delivering a sufficient supply of homes of the NPPF recognises that housing need can come from a variety of sources, including those in the Gypsy and Traveller community. However, Paragraph 79 states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*

9.4 Paragraph 134 of Section 13 of the NPPF 2019 sets out the five purposes of designating land as Green Belt, which include preventing urban sprawl and assisting *in “safeguarding the countryside from encroachment”*. Paragraph 141 of Section 13 recognises the responsibility that LPA’s have to *“... plan positively to enhance [the] beneficial use”* of Green Belts, including opportunities to retain and enhance landscapes and visual amenity.

9.5 Paragraph 143 of Section 13 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances”*. Paragraph 145 elaborates on this, stating that new buildings in the Green Belt should be considered inappropriate unless they meet an identified exception. Paragraph 148 also identified forms of development that are considered appropriate.

9.6 Policy GP2 of the Local Plan reflects the national stance on Green Belt land as set out in Section 13 of the NPPF, stating that *“New development will be resisted; only where national policy on Green Belt allows will development be permitted”*.

- 9.7 The Local Plan sets out the LPA's approach to sites for the Gypsy and Traveller community within Policy DS2, which has been written in accordance with the Planning Policy for Traveller Sites 2015. Within the policy is a list of key criteria that such sites must meet if they are to be considered acceptable in planning terms:-
- The site affords good access to local services such as schools and health facilities;
 - The site satisfies the sequential and exception tests for flood risk and is not adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land;
 - The development is appropriate in scale compared with the size of the existing settlement or nearby settlements;
 - The development will be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby;
 - The development has appropriate vehicular access;
 - The development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents;
 - The development will be well-laid out to provide adequate space and privacy for residents;
 - The development will include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences;
 - The development should not accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents; and
 - Adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities.
- 9.8 The application site is wholly within the West Midlands Green Belt, which Policy GP2 of the Local Plan defines as being the least appropriate location for development. Prior to the applicants occupying the site in December 2020, the land had last been used for forestry purposes, with the then owners operating a willow harvesting and crafting business from the site. Prior to that, the land was essentially a small paddock, undeveloped and largely left to nature. Neither of these uses would be classed as development in planning terms, and as such the site retained "green field" status (as opposed to the "brown field" status of sites that have been previously developed).
- 9.9 The applicants have put forward an argument to say that they needed to relocate at comparatively short notice from their previous Gypsy and Traveller site in Bulkington due to being threatened and intimidated by other occupants of the site; the site was controlled by a family group that neither of the applicants are part of, and as this family wanted to reserve the site solely for their family members the applicants were forced to leave. The owners of the Bulkington site also follow different cultural practices to the applicants, both of whom identify as Romany Gypsies and wish to follow the traditions of this culture. This, they say, was a key factor their decision to move to this site as it became available to purchase at around the same time and would allow them to follow their cultural practices without conflict with other members of the Gypsy and Traveller community.
- 9.10 Following requests from the LPA, additional evidence of the personal circumstances of the applicants has been received and consulted upon. This includes confirmation that Mr Ayres is currently having to live apart from his long-term partner and their children; his has had to take up temporary accommodation in a brick-built dwelling in Hinckley in order

to maintain school places for their younger children. Such accommodation contradicts the cultural practices of the Romany community, and the Ayres family do not wish to have to continue this practice as they wish to adhere to the principles and practices of their culture and heritage. In addition to this, Mr and his partner are a couple and wish to live as a single family unit, all together in the same place.

- 9.11 In the case of the other applicant, Mr Jones, his youngest child is currently being home-schooled due to their having relocated to this site during the coronavirus lockdown that affected the country in the run-up to Christmas 2020. It is the hope of both applicants that all the children of primary school age will be able to enrol in a school in Wolvey if they are able to continue to occupy this site, so that they can continue their education in an appropriate and stable setting.
- 9.12 Focussing now on the key tests set out in Policy DS2 of the Local Plan, the development will now be assessed against each of these in turn:-
- 9.13 *Does the site afford good access to local services such as schools and health facilities?*
The site is located near to, but not within, a number of local villages that collectively have a range of local facilities including primary schools (in Monks Kirby and (further afield) Wolvey); pubs (in Monks Kirby, Pailton and Withybrook); places of worship (St Edith's and St Joseph's churches in Monks Kirby, St Deny's church in Pailton, and the Church of All Saints in Withybrook); a dental practice (in Pailton); and a GP surgery (also in Pailton). None of the neighbouring villages support a local shop selling general groceries, although there is a general store in Wolvey that the applicants could access when taking their children to and from the primary school they hope they will attend. The area is also covered by emergency and hospital care via St Cross Hospital (in Rugby town centre) and University Hospitals Coventry and Warwickshire's Walsgrave site (in Coventry, near Junction 2 of the M6).
- 9.14 *Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?*
The site is in an area that experiences localised flooding, but it is not within an identified flood risk zone. Warwickshire Flood Risk Management advised that they could not pass formal comment in response to the LPA's consultation to them as it is not a major development. The LPA have however been in discussions with an officer from the County Flood Risk and Management Team regarding the flooding issues reported during this application process, who advised that they would carry out a drainage investigation. This falls outside the remit of the Planning-related responsibilities, so he also recommended that in the event that the application was approved the LPA should include a condition requiring the submission of a drainage strategy detailing how surface water within the site would be controlled. In the event of an approval, this would be covered by **Condition 8**. **Condition 19** would also require the necessary access modifications to be undertaken in such a way as to avoid affecting the effective capacity of any drain or ditch within the limits of the public highway.

The site is *not* adjacent to any known hazardous land uses that could be likely to endanger the health of the occupants of the site.

9.15 *Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?*

This site is very small, and the application is limited to 2no. family pitches capable of accommodating one static and one touring caravan each. Due to the need to be able to manoeuvre vehicles and vans within the site, it is the LPA's considered opinion that the site would not have sufficient capacity to accommodate any additional pitches. Its very small scale is not therefore considered to be inappropriate when compared to the size of the three nearby settlements of Pailton, Monks Kirby and Withybrook.

9.16 *Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?*

At present, the solid timber boundary fencing that encloses the site is sufficient to maintain the private of the site occupants, and it also prevents views from within the site towards the neighbouring dwelling. Whilst it may not be a visually subtle solution, it does achieve a reasonable level privacy. If Members were minded to approve the application, two of the recommended conditions for inclusion would require the submission of additional landscaping details and biodiversity schedules that could encompass increased planting around the site boundaries to soften the impact of both the existing fencing and the development as a whole. These would be **Conditions 13 and 14**. A further condition will also be applied requiring the applicants to stain or otherwise treat the fencing in a dark brown colour along the elevations that are adjacent to highways, again to reduce the visual impact. This would be **Condition 6**.

The applicants do not consider that they need additional screening within the site to create private areas between the two pitches, as the families are very close and are happy to share the communal areas without the need for any additional segregation. A condition would also be applied (if Members were to approve the scheme) that would tie the occupancy of the site to the current applicants only, so that there would not be an issue with future occupants of the site desiring additional privacy screening within the site itself. This would be **Condition 3**.

9.17 *Does the development have appropriate vehicular access?*

At the moment there is already an existing access directly off Fosse Way. Both Highways England and WCC Highways were consulted on this application, although Highways England deferred responsibility to WCC Highways as the Local Highway Authority to pass comment on the development. WCC Highways have advised that the access needs modification to widen the existing visibility splays due to the speed of the adjacent highway (Fosse Way) and the close proximity to junctions with adjacent highways. In the event of approval, access widening and modification requirements would be set out through **Conditions 15 to 17 (inclusive)**.

9.18 *Does the development comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?*

As stated in Paragraph 9.16 of this report, the LPA already recognises that further work needs to be done to soften the impact of the existing boundary fencing through additional landscaping and/or a suitable means of treatment to the fencing to make it less conspicuous. Should Members be minded to approve this application then this could be done through appropriately worded conditions that would require the applicants to undertake further works to improve the aesthetic of the site when viewed from outside (see the conditions referred to in Paragraph 9.16). Within the site, the applicants have kept the area tidy and in good order on the whole and have responded when asked to

remove inappropriate items such as the two trampolines. The LPA have had in-depth discussions with both the applicants and the agent for this scheme regarding the impact of their site on the character and appearance of the locality, including the likelihood that if Members were to approve the scheme then it would come with provisos requiring further work to bring the site up to an acceptable visual standard and then maintain it as such. In the event of an approval, a condition would be applied that would a) require any remaining unauthorised structures not covered by the permission to be removed from the site in their entirety, and b) prohibit the erection or bringing onto site of any additional buildings or other large scale structures without the prior approval of the LPA. This would be **Condition 20**.

Members will also note that this application includes the replacement of the current static units on the site with two units of matching designs. These units are of a good quality design and would be visually more suitable than the current arrangements. Again, the specifics of these units would be controlled through a condition in the event that Members approve the scheme (**Condition 2**).

The external appearance of the stable and amenity buildings will also be controlled to ensure that they remain visually acceptable in Planning terms (through **Condition 4**).

Conditions would also be applied in the event of an approval to control on-site activities by restricting activities and prohibiting any commercial operations or storage. The purpose of this would be to ensure that neighbouring residential amenity is not compromised. This would be done through **Conditions 5, 9, 10 and 11**. In addition to this, **Condition 12** requires the applicants to submit details to the LPA before installing any additional external lighting.

With such conditions in place, Policy SDC1 could be complied with.

- 9.19 *Is the development well laid out to provide adequate space and privacy for residents?*
Please see Paragraph 9.16 of this report. The applicants are content with their existing arrangements with regards to privacy and sharing the communal spaces, and so no further screening or space provision is proposed for this purpose within the site.
- 9.20 *Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?*
At the moment there is no soft landscaping within the site, and the boundary fencing is quite prominent and out of character. The applicants have indicated on their amended site layout plan an intention to create soft landscaped areas around the entrance, and there is potential for this to be extended such that it would soften the appearance of the perimeter as well as compensate for the biodiversity loss identified by the BIA. Were Members to approve the application, conditions could be applied requiring the applicants to submit a Habitat Management Plan and a landscaping scheme for consideration by WCC Ecology and the LPA's Landscaping and Tree Officer, who could guide them on appropriate levels and variety within a comprehensive landscaped scheme that would mitigate for the current visual impact of the development and the incurred loss of biodiversity value. Timescales for planting could also be controlled through a suitably worded condition. These controls would be applied through **Conditions 13 and 14** in the event that Members approve the application.

- 9.21 *Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?*

The application is for residential purposes only and does not include any non-residential uses that could cause these issues. Such non-residential uses would be prohibited through both the wording of the development description and through **Conditions 5 and 11** in the event that Members approve this application, which would limit the development to the purposes set out in the development description, and also **Condition 3** which would make the planning permission personal to the applicants.

- 9.22 *Is there adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities?*

The applicants have access to power and water already set up within the site, and they have registered for RBC domestic general waste and recycling collection services (evidenced by the presence and frequent emptying of RBC registered wheelie bins on the site).

There are currently no specific drainage arrangements within the site, and sewage disposal is currently managed through the use of chemical toilets which are collected, emptied and cleansed by a contractor. In the event that Members approve this scheme, **Condition 8** will require submission of a drainage strategy for consideration by both the LPA and the County Council. Compliance with this condition would include requiring submission of details of sewage disposal arrangements for the proposed residential units and the existing utility provision within the site. With such details required and approved, all these requirements would be met. There would also be a condition applied relating the impact if the access on existing highway drainage (**Condition 19**).

- 9.23 Paragraph 61 of Section 5 of the NPPF also sets out criteria for consideration when provision of homes would be in isolated locations. This application does not meet any of these tests specifically, which is one of the reasons why LPA must decide whether or not the case amounts to very special circumstances based on the justification put forward by the applicants as required by Paragraphs 143 and 145 of Section 13 of the NPPF. The applicants' case is summarised within Paragraphs 9.9 to 9.11 of this report.
- 9.24 In the considered opinion of the LPA, the applicants have provided sufficient evidence to establish that they would qualify as having Gypsy and Traveller status for the purposes of Planning, and their requirements meet the criteria to be considered very special circumstances in support of allowing development that would otherwise be deemed to be inappropriate in the Green Belt. With the use of suitably worded conditions, it is possible to meet all the requirements of Policies SDC1 and DS2 of the Local Plan that have not already been met by the existing and proposed on-site provision, as well as the various requirements set out in Sections 2, 5 and 13 of the NPPF. The principle of this development is therefore considered to be acceptable in Planning terms from this perspective.
- 9.25 As the LPA does not currently have a sufficient source of allocated sites to meet the identified requirements for Gypsy and Traveller provision within the Borough, some of the requirements of Policy B of the Planning Policy for Traveller Sites 2015 cannot currently be met. However, this application has been assessed following the principles set out in Paragraphs 10 and 13 of Policy B, which direct LPA's on the key criteria to be used for assessing the suitability of sites for designation for formal Gypsy and Traveller provision.

The lack of sufficient provision for Gypsy and Traveller sites is a key consideration in favour of this development and carries significant weight in Planning terms. Were the application to be refused and the applicants evicted, two families would then be left with very few options available to them. Given the lack of formal provision in the area, it is likely that they would have to resort to setting up an unauthorised encampment elsewhere in the Borough, which would then face the same considerations as this one has. As well as being far from ideal in terms of Planning, this would also result in several children being made homeless and/or continuing to be separated from their father. As well as potentially having serious repercussions for the health and wellbeing of these children (and of course the adults who also form part of these families), it could also jeopardise their access to ongoing primary education provision. These are factors that weigh strongly in favour of this development being supported on the grounds of very special circumstances.

- 9.26 Policies C and E of the Planning Policy for Traveller Sites 2015 cover sites in rural countryside locations and those in the Green Belt. Policy E in particular makes it clear that even Gypsy and Traveller provision in the Green Belt is considered unacceptable ***unless special exceptional circumstances exist that would outweigh the harm***. As set out in this report, the LPA consider that this application ***does*** warrant consideration as a special exceptional circumstance, and as such the requirements of Policies C and E are also met.
- 9.27 Levels of existing provision (and the lack thereof) are also a key consideration within Policy H of the Planning Policy for Traveller Sites 2015, being identified as a specific consideration in Paragraph 24 alongside the availability (or lack) of alternative sites and the personal circumstances of the applicants. Policy H also encourages the use of planning conditions as a means of overcoming concerns and objections regarding such developments, which the LPA have already confirmed would be their intention elsewhere within Section 9 of this report.
- 9.28 For the reasons set out in Paragraphs 9.25 to 9.27 of this report, the principle of this development is also considered to be acceptable in terms of compliance with the Planning Policy for Traveller Sites 2015.
- 9.29 The other relevant considerations for this application are the impact of continuing the use of the site as a gypsy and traveller site for 2no. families for a temporary 3 year period, and the retention or replacement of structures as detailed in the application, on a) the character and appearance of the site and the locality, b) residential amenity, c) highway safety and parking, d) sustainability, contamination and environmental factors, and e) biodiversity.
- 9.30 *Character and appearance*
In addition to the impact of the development on the character and appearance of the Green Belt (see above), a key factor of any development is the impact it has on the visual character of an area, and on how it will affect the character of it. In this case, we have a site located in an area away from the nearest villages of Monks Kirby, Pailton and Withybrook. There are however a few dwellings in the immediate locality of the site, including one on the opposite side of Bow Lane and a few on Millers Lane. The surrounding area is predominantly farmland and woodland, with boundaries generally either open or marked with field hedges and open post and rail fencing. The general

aesthetic of the area is of a largely natural landscape with little in the way of development.

- 9.31 When approaching the site from any of the adjacent highways, one of the first things to notice is the perimeter fencing. This is of close-boarded timber construction and doesn't resemble the more rustic and low-level examples present in the locality. It also currently has a very orange appearance around the recessed entrance way (likely due to it being constructed of timber that has either been tanalised or similarly treated with a preservative). The LPA has already entered into discussions with the applicants about the need for further consideration as to mitigating for the visual impact of the site through an ordered and appropriate planting scheme. One of the key purposes of this, together with counteracting the level of hardstanding within the site and compensating for the biodiversity potential that may have been lost, is to soften the general appearance of the site by using suitable planting to create more appropriate screening. Again, in the event of an approval this would be controlled through suitably worded conditions as set out in Paragraph 9.20 of this report.
- 9.32 Within the site itself, there is currently a predominance of gravel except for in the grassed areas adjacent to where each of the proposed static units would be sited (one of which was turfed and the other seeded in late April 2021). Whilst these grassed areas provide some relief from the gravel, the LPA again consider that further planting and soft landscaping would be required to reduce the extent of the gravelled areas and soften the overall visual impact of the site on the natural backdrop of adjacent fields and woodland. The applicants have both expressed willingness to undertake whatever degree of landscaping the LPA deem to be necessary to bring the site up to a more acceptable visual standard, and Mr Ayres has already planted a row of small saplings around his area of green space. Again this would be controlled, in the event of an approval, through the application of the conditions referred to in Paragraph 9.20 of this report and in consultation with the LPA's Landscaping and Tree Officer and WCC Ecology.
- 9.33 The main feature of both the current on-site development and the amended layout and residential unit details shown on the submitted plans is of course the residential accommodation. There were originally 2no. static units moved onto the site in December 2020, in addition to 2no. touring caravans. Each of the two applicants has one of each to serve the needs of their family, and in both the existing and proposed layouts they are set quite far apart so as to identify private areas for each family. The remainder of the site is open plan and shared between them with the exception of the grassed areas (which again are arranged such that each one serves the family occupying the part of the site that they are closest to). Whilst the details of the proposed units were initially very limited on the submitted plans, the further details now provided show a style and design that are commonplace on other Gypsy and Traveller sites within the Borough and are considered appropriate in terms of the size, scale and design for their intended purpose. The external appearance of the residential units now proposed would be controlled through **Condition 2**, to limit further development or modification of the structures that could be deemed to be inappropriate or visually harmful.
- 9.34 Focusing on the other structures within the site, two small timber sheds were erected close to where the static and mobile caravans were originally located, and they have remained in these positions since the applicants moved on in December 2020. They are of a typical garden shed appearance, and on the January 2021 planning site visit they appeared to be being used for a combination of storage and possibly as utility buildings (a

washing machine was observed in one of them). The proposed stable and utility plans show provision for a toilet and shower in one part of each building, negating the need for such provision in these smaller sheds. The LPA has advised the applicants that these sheds will need to be removed, either as part of an en masse site clearance (if Members refuse the application and refer it back to the Planning Enforcement Unit for further action) or as part of the further works required by the proposed conditions within this report that would be applied in the event of approval. The applicants have already made arrangements for their removal once the outcome of the Planning Committee Meeting is known, but a condition would be applied nonetheless in the event of approval to set a deadline by which any remaining unauthorised structures must have been removed from the site in their entirety (this would be **Condition 20**). This condition would prohibit the erection and/or siting of any *additional* structures within the site without the prior written approval of the LPA, to enable the LPA to continue to regulate ongoing development of the site should the application be approved for the temporary three year period requested.

- 9.35 During an LPA site visit in April 2021, it was noted that 2no. wooden stable buildings had been erected, but only one correlated with the proposed external design and site plan originally included in the application; the other was further away from the “paddock” that it should have abutted, and it was not as per the submitted elevations. This was one of the reasons why the LPA required the agent to submit an amended site layout plan, so that the locations and appearance of the buildings already on the site were accurately represented. In the event of an approval, the external appearance of the stable buildings would be controlled through **Conditions 2 and 4**, to limit further development or modification of the buildings that could be deemed to be inappropriate or visually harmful.
- 9.36 It is noted that whilst there is existing exterior lighting present in various places around the site, it is not installed on either of the stable and utility buildings subject of this application. As external lighting can significantly affect the prominence of an area and the wildlife that frequent it, and given the amount of external lighting already installed on site, the LPA consider it prudent to apply a condition requiring the applicants to seek agreement from the LPA before installing any additional external lighting either on structures or freestanding within the site and/or around its boundaries, in order to enable an assessment of the potential visual and ecological impact of any further exterior lighting to be carried out and to avoid causing increased prominence of the site at night. This would be **Condition 12** in the event of an approval.
- 9.37 For the reasons set out above, and with the abovementioned conditions applied, the scheme complies with policies GP1 and SDC1 of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It also accords with guidance set out in Section 2 of the NPPF 2019.
- 9.38 *Residential Amenity*
There is only one property immediately adjacent to the application site (Fosse Cottage), although there are properties a little further along both Fosse Way and Millers Lane that are not within line of sight from the application site. Given the separation distances of these latter properties, the focus for residential amenity impacts in terms of adjacent residents lies with the occupant(s) of Fosse Cottage. This property lies to the North of the application site, on the opposite side of the junction of Fosse Way and Bow Lane. It appears to be surrounded on at least three sides by gardens and/or parking and turning areas, and at its closest point the distance from the nearest elevation of the property to the boundary of the application site is approximately 17 metres. The boundaries facing on to

highways are screened by mature mixed species hedging apart from at the access point off Bow Lane, which has double gates fitted but is otherwise open.

- 9.39 Whilst there have been numerous objections received from local residents, these primarily relate to the principle of the development, its visual effects, the effects it has had on local flora and fauna (particularly with regards to Withybrook Spinney), flooding, highway safety and the level of unauthorised development that has taken place. No specific concerns were identified in the written correspondence received by the LPA with regards to residential amenity, although Ward Councillors raised concerns over the impact of noise and light emitted from the site that could potentially be related to residential amenity.
- 9.40 Given the level of screening afforded around the application site by the current boundary screening, and the lack of any existing or proposed structures within the site that are/would be above one storey in height, the LPA do not consider that the privacy of the occupant(s) of Fosse Cottage has been detrimentally affected by having residential develop on the opposite side of Bow Lane. As mentioned earlier in Section 9 of this report, in the event of an approval there would be various conditions applied that would both restrict the current level of development and control the potential for any further development. These conditions would, amongst other things, mean that no higher vantage points could be created within the site from which occupants of the site would be able to see over the boundary screening and into areas of Fosse Cottage's grounds that cannot already be viewed from either roadside or adjacent land. Given this and the fact that the nearest windows in Fosse Cottage are at least 17 metres from the boundary of the application site *and* across a public highway, the LPA do not consider that there has been a detrimental loss of privacy to the occupant(s) of this property as a result of the on-site activity to date and therefore does not consider that there would be a material loss of amenity on these grounds were the development to be retained, although it recognises that the development will have brought neighbouring residents closer to Fosse Cottage than they may previously have been.
- 9.41 In terms of noise and light nuisance, this can sometimes affect residential amenity if it is of a level and severity that would amount to a statutory nuisance. Environmental Health have been consulted on this application, and whilst they have recommended a number of conditions and informative notes to be applied in the event of an approval, these have not included restrictions on noise. As regards external lighting, whilst they have only recommended an informative note be applied, as stated in Paragraph 9.40 above the LPA considers it prudent to control any additional external lighting through a suitably worded condition to ensure amongst other factors that the levels of light do not become a nuisance for residents living in close proximity to the site. The LPA also propose to limit the type of activities undertaken within the site to those directly associated with residential occupation. This would effectively prevent the land being lawfully used for business or commercial activities, thereby preventing the increased risk of noise and other emissions that can be associated with some forms of commercial activity, and would be achieved through **Conditions 5 and 11** in the event of an approval.
- 9.42 For the reasons set out above, and with the identified conditions applied, the retention and completion of this development complies with policies GP1 and SDC1 of the Rugby Borough Council Local Plan 2011-2031 that relate to residential amenity. It also accords with guidance set out in Section 2 of the NPPF 2019.

9.43 *Sustainability and Environmental Factors*

The environmental implications of development must be carefully considered, particularly as the Rugby Borough Council Local Plan 2011-2031 has reinforced the need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus raised on these issues within Sections 2 and 12 of the NPPF 2019.

- 9.44 The environmental considerations (such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency) cross over into the requirements that will be placed on the developer through the need to comply with Building Regulation requirements but can also require control at the planning stage through the application of specifically worded conditions and supportive text.
- 9.45 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”
- 9.46 This site does not lie within the Air Quality Management Area, and the type of development applied for does not meet the triggers for requiring conditioned mitigation under Policy HS5. An informative would be applied in the event of an approval to guide the applicant on ways they can reduce their environmental impact. There are also options available to occupiers of the site to adopt water efficiency practices, such as limiting water waste and making more efficient use of the water supply that is consumed.
- 9.47 The Environmental Protection team were specifically consulted on this application and have recommended the application of conditions relating to contamination, manure, fires and waste. These would be applied as **Conditions 7, 8, 9, 10 and 11** in the event of an approval. The contaminated land condition in particular (**Condition 7**) would require a suitably qualified specialist to undertake an assessment of the affected part of the site in the event that a previously unidentified contaminant was suspected, to identify whether or not contamination is present and (depending on the outcome of the assessment) identify the measures required to mitigate for it. This would require information to be submitted to the LPA for consideration so that Environmental Protection Officers can ensure that appropriate measures have been/will be taken to control any contamination issues identified. However, it should be noted that the LPA are not currently aware of any contamination issues in this area, and this condition is intended as a means of safeguarding in the event that previously unidentified contamination is discovered rather than to confirm that there is already a contamination issue.
- 9.48 The manure condition (**Condition 9**) is a standard one applied by the LPA to most stable applications in the Borough and requires manure to be stored and processed appropriately to avoid any health-related risks of storing it in close proximity to dwellings.
- 9.49 The fire and waste conditions (**Conditions 10 and 11** respectfully) set out limitations for the disposal of waste, to ensure that it is done safely and appropriately. Whilst the waste condition refers to commercial waste, this should not be taken as an indication that commercial activities are taking or will take place on the site; as mentioned in Paragraph 9.41 of this report, the use of the site would be restricted to prevent commercial activities through a suitably worded condition in the event of an approval.

- 9.50 Environmental Protection have also recommended the inclusion of an informative note regarding drainage, which would support the drainage strategy condition referred to in Paragraph 9.14 of this report.
- 9.51 With the abovementioned conditions suitably applied, this approach complies with the environmental directions of policies GP1, HS5 and SDC1, as well as the principles of policy SDC4, of the Rugby Borough Council Local Plan 2011-2031. In so doing, it will meet the standards and guidance set out in Section 2 of the NPPF 2019.
- 9.52 *Highway Safety*
Several concerns have been raised by Parish Councils, Borough Councillors and local residents regarding the implications of this site being on a busy A road and being close to two road junctions. Both WCC Highways and Highways England were consulted on the application, although Highways England deferred to WCC Highways for formal highway safety comments.
- 9.53 Whilst no objections were raised to the application by WCC Highways, this was subject to the application of a series of conditions designed to improve visibility and highway safety around the site access. More details on the access related conditions can be found in Paragraphs 7.3 and 9.17 of this report. As the conditions set out key works that must be undertaken and require submission of details to confirm they have been done, the safety implications of the access use and its impact on the adjacent highway network can be assessed and controlled.
- 9.54 As regards the parking and manoeuvring of vehicles within the site, the large central area has been deliberately left free of structures to allow for adequate vehicle turning space and there are areas around both pitches that can accommodate the parking of the applicants' own vehicles.
- 9.55 With the highway conditions applied and the amended site layout plan protected through **Condition 2**, this scheme would comply with policy D2 of the Rugby Borough Council Local Plan 2011-2031.
- 9.56 *Biodiversity*
The majority of objections received included focus on the impact of the development on surrounding trees and hedging and the impact on biodiversity and habitats in the area. In particular, concerns were raised over the impact of the development on Withybrook Spinney as it lies immediately behind the site.
- 9.57 WCC Ecology requested the submission of both Ecological Impact Assessment (EclA) and Biodiversity Impact Assessment (BIA) reports to establish the impact that the development had had and whether mitigation was required. These were not a pre-determinative requirement however, and therefore could have been controlled through the use of suitably worded conditions that would require both the undertaking of the assessments and the compliance with any mitigation requirements that they may bring to light. WCC Ecology then decided to conduct their own BIA assessment of the proposals and identified that semi-improved grassland could have been lost. They assigned a monetary value to this for the purposes of having to compensate for the loss through off-setting, but also recommended the submission of a Habitat Management Plan to identify any possible options to improve habitat *within* the site through a combination of appropriate planting and habitat provision.

- 9.58 The LPA's Landscaping and Tree Officer visited the site with the Case Officer in January 2021 to assess the existing and potential impact on both Withybrook Spinney and the hedging around the site. He had requested that all remaining hedging be retained, but due to the highway safety requirements set out by WCC Highways some further hedging around the point of access will need to be removed to maintain safe visibility splays if the application is approved. To compensate for this loss, and to mitigate for the loss of planting within the site itself, the LPA proposes to apply a condition in the event of approval which would require a formal landscaping and planting scheme to be submitted for consideration (see Paragraph 9.20 of this report for details). This would be assessed for suitability by both the Landscaping and Tree Officer and WCC Ecology in terms of both the level and variety of provision, and the applicants would be required to abide with any measures that are agreed in order to be able to fully discharge that condition. It is anticipated that this would also relate to the requirements identified in the Habitat Management Plan recommended by WCC Ecology.
- 9.59 In addition to the abovementioned conditions, informative notes would also be applied in the event of an approval to encourage consideration of protected species and biodiversity provision above and beyond that identified through the Habitat Management Plan and landscaping plan as being mandatory requirements for actioning.
- 9.60 With the conditions applied as detailed above, and with regular monitoring to ensure compliance, the scheme is considered to comply with policy NE1 of the Rugby Borough Council Local Plan 2011-2031, and to accord with Section 15 of the NPPF 2019.

10 Planning balance and conclusions

- 10.1 This application is for a temporary period of 3 years, which will allow sufficient time for longer term impacts of development on this site to be assessed in addition to any impacts identified to date.
- 10.2 The site is located in Green Belt, where development of this type is usually considered inappropriate. However, there are very special circumstances in this case that outweigh this presumption against development :-
- 10.2.1 The LPA currently has a shortfall in Gypsy and Traveller site provision within the borough, and there are no more appropriate locations within the borough that the applicants and their families could safely and/or lawfully move to. This carries significant weight in favour of the application.
- 10.2.2 Refusing this application could result in the physical and mental wellbeing, health and education of several children of primary school age being put at risk, as well as the health and wellbeing of their parents and older siblings.
- 10.2.3 The applicants and their families identify as Romany Gypsies and wish to follow the cultural traditions of their heritage by raising their children on a site where those traditions can be practiced in safety and without conflict with non-Romany Gypsy and Traveller families (as was the case on their previous site in Bulkington).
- 10.2.4 The wife and children of one of the applicants are currently having to live in temporary brick-built accommodation and away from the children's father until a suitable location can be found where they can once again live together as a family

in accommodation that accords with the practices of their culture. This application would enable this to happen.

- 10.3 In the event of an approval, conditions would be applied to control the following:-
- The external appearance of all structures within the site,
 - The longer-term visual impact of the site,
 - The uses of each building on the site,
 - The occupancy of the site (making it personal to the applicants), and
 - The removal of any outstanding structures not included with in the scheme Members approved.
- 10.4 Similarly, conditions would also be applied to prevent or restrict the following:-
- The erection or bringing onto site of any additional buildings or structures,
 - The installation of further exterior lighting,
 - The use of the site for any non-residential activities, and
 - The inappropriate disposal and/or burning of manure or waste within the site.
- 10.5 Conditions could also require further work to be carried out and/or reports submitted relating to contamination, ecology, drainage, access modifications, landscaping and compensatory planting.
- 10.6 Additional landscaping and planting would be controlled though the submission of a landscaping strategy and the direction of both the Landscaping and Tree Officer and WCC Ecology on a scheme of planting that would improve the visual impact of the site and also increase habitat and biodiversity opportunities within and around the site.
- 10.7 Conditions could be applied requiring further ecological investigation to establish appropriate methods of improving habitat and biodiversity and thereby mitigating for any that may have been lost.
- 10.8 WCC Flood Risk Management have established that localised flooding is NOT being caused by the works to the application site, but by ineffective land drainage around it. However, in light of the localised issues a drainage strategy can be required through a suitably worded condition that requires the applicants to submit a report to identify the requirements to control drainage within the site so that it does not pose an increased risk to adjacent land.
- 10.9 Conditions could also require further work to be carried out and/or reports submitted relating to contamination, ecology, drainage, access modifications and highway safety, landscaping and compensatory planting.
- 10.10 There would be no materially detrimental impact on neighbouring residential amenity in Planning terms.
- 10.11 A drainage strategy will be required to be submitted to identify the requirements to control drainage within the site so that it does not pose a risk to adjacent land.
- 10.12 Conditions requiring further works to widen and appropriately surface the access and improve visibility splays will help to improve highway safety and reduce risk.

10.13 There are no air quality, sustainability or environmental concerns and no mitigation is required beyond that detailed within this report.

10.14 With the recommended conditions applied, the application complies with both local and national planning policy.

11 Recommendation

Approval subject to appropriate conditions.

Report written: 10/06/2021

DRAFT DECISION

REFERENCE NO:
R20/1062

DATE APPLICATION VALID:
16-Dec-2020

APPLICANT:

Mr Ayres & Mr Jones Land west of Foxons Corner, Fosse Way, Monks Kirby, Rugby

AGENT:

Mr Philip Brown, Philip Brown Associates Limited 74, PARK ROAD, RUGBY, CV21 2QX

ADDRESS OF DEVELOPMENT:

LAND AT FOSSE CORNER (JUNCTION OF MILLERS LANE AND FOSSE WAY), MONKS KIRBY

APPLICATION DESCRIPTION:

Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of 3 years.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

This planning permission is for a temporary period expiring on 23 June 2024, on or before which date all structures, surfacing etc. hereby approved shall be removed from the site in their entirety and the land returned to the state it was in prior to the applicant's first moving onto it in December 2020.

REASON:

To ensure the proper development of the site, and for the avoidance of doubt.

CONDITION 2:

Unless non-material variations which do not give rise to additional or different likely significant effect are agreed in writing with the Local Planning Authority the development shall be retained and completed in accordance with the plans and documents detailed below:

Application form (received by the Local Planning Authority on 16 December 2020)

Design and Access Statement (received by the Local Planning Authority on 09 December 2020)

Site location plan (received by the Local Planning Authority on 09 December 2020)

Additional Supporting Statement from Mr Ayres and Mr Jones

Amended site layout plan (received by the Local Planning Authority on 19 May 2021) WITH THE EXCEPTION OF THE REFERENCE TO ONE OF THE STABLES ALSO BEING A DAY ROOM

Floor plan and elevations - Stable 1 (received by the Local Planning Authority on 16 December 2020)

Floor plan and elevations - Stable 2 (received by the Local Planning Authority on 16 December 2020)

Elevations for static residential units (Colorado 2DB model) (received by the Local Planning Authority on 21 May 2021)

Floor plan for static residential units (Colorado 2DB model) (received by the Local Planning Authority on 21 May 2021)

Drawing number PBA 4 (fencing elevations) (received by the Local Planning Authority on 16 December 2020)

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3:

Unless non-material variations which do not give rise to additional or different likely significant effect are agreed in writing with the Local Planning Authority the development hereby permitted shall be personal to Mr Bradley Ayres and Mr Teddy Jones, their respective partners and their children as identified in the supporting documents submitted with this application. It shall not inure for the benefit of any additional relatives of the applicants, and should the applicants choose to vacate the site prior to the end of the three year time period hereby permitted then the land shall be returned to the state it was in prior to the applicant's first moving onto it in December 2020 in accordance with Condition 1.

REASON:

As the development is only acceptable due to the applicant's personal circumstances.

CONDITION 4:

Unless non-material variations which do not give rise to additional or different likely significant effect are agreed in writing with the Local Planning Authority, the facing materials used on the two stable buildings hereby permitted shall remain as existing (horizontal timber boarding for the elevations, timber doors, and roofing felt for the roof). Any repairs or replacements shall likewise accord with these details.

REASON:

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION 5:

Unless non-material variations which do not give rise to additional or different likely significant effect are agreed in writing with the Local Planning Authority, and with the exception of the provision of the amenity facilities detailed on the approved plans, the two stable buildings hereby approved shall only be used for the stabling of horses belonging to the applicants and for private purposes, and shall not be used for the holding of competitions, exhibitions, hiring of horses or other business activities.

REASON:

In the interest of the amenities of the locality.

CONDITION 6:

Within 2 months of the date of this decision, the elevations of the boundary fencing that can be viewed from outside the application site shall be stained or otherwise treated with a dark brown wood preservative, and thereafter maintained as such for the duration of the term of this temporary permission.

REASON:

In the interest of visual amenity.

CONDITION 7:

If during the remainder of the development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out and the Council's Environmental Protection Team must be contacted for guidance on how to proceed. Any further works must comply with the guidance provided by the Council's Environmental Protection Team Environmental Protection.

REASON:

In the interests of health and safety.

CONDITION 8:

Within 2 months of the date of this decision, details for the disposal of surface water and foul sewage shall be submitted to the Local Planning Authority for approval. All drainage and sewage disposal works shall be implemented in accordance with the details approved.

REASON:

To ensure the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution.

CONDITION 9:

No horses shall be stabled or kept at the development until a scheme for the containment and storage of manure, including a fly management plan, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with the approved plans.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

CONDITION 10:

No fires or disposal of manure by burning are permitted.

REASON:

In the interests of residential amenity and public health and safety.

CONDITION 11:

No storage of commercial building materials or commercial/business waste shall be permitted on site.

REASON:

In the interests of residential amenity and public health and safety.

CONDITION 12:

No additional external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION 13:

Within 3 months of the date of this decision, a detailed schedule of enhancement measures to include all aspects of landscaping including native species planting and details of any habitat creation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. Such approved enhancement measures shall thereafter be implemented in full and thereafter retained for the duration of the development. If, following submission of the schedule of enhancements, WCC Ecology notify the applicants and the Local Planning Authority that some or all of the required biodiversity offsetting cannot be implemented on site, the applicants must enter into a Section 106 legal agreement with the Local Planning Authority and Warwickshire County Council within three months of the notification from WCC Ecology to secure payment of a biodiversity offsetting contribution.

REASON:

In accordance with NPPF, ODPM Circular 06/2005 and to mitigate for any loss of biodiversity and habitat provision caused as a result of this development.

CONDITION 14:

Within 3 months of the date of this decision a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following approval of the scheme by the Local Planning Authority. During the duration of the development, if any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any non-material variations which do not give rise to additional or different likely significant effect.

REASON:

To ensure the proper development of the site and in the interest of visual amenity.

CONDITION 15:

Within three months of the date of this planning permission, visibility splays shall be provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 215 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of public and highway safety.

CONDITION 16:

Within three months of the date of this planning permission, the existing vehicular access to the site shall be widened so as to provide an access of not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON:

In the interests of public and highway safety.

CONDITION 17:

Within three months of the date of this planning permission, the access to the site for vehicles shall be surfaced with a bound macadam material for a distance of 7.5 metres as measured

from the near edge of the public highway carriageway. Thereafter the bound macadam surface shall be maintained and repaired with like for like bound macadam for the duration of the development.

REASON:

In the interests of public and highway safety.

CONDITION 18:

Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway.

REASON:

In the interests of public and highway safety.

CONDITION 19:

The access to the site shall not be constructed/reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON:

In the interests of public and highway safety.

CONDITION 20:

Within 28 days of the date of this decision, all structures not included within the development hereby approved shall be removed from the site in their entirety. No new structures or buildings, be they mobile or static, shall be brought onto or erected on the site at any time without the prior written agreement of the Local Planning Authority.

REASON:

To ensure the proper development of the site and for the avoidance of doubt.

INFORMATIVE 1:

Condition numbers 16 and 17 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC).

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements. Failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 2:

Private sector housing team (Neighbourhoods Services Team)

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations, the Council's Standards of Amenity and there may also be site licensing requirements. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any further work commencing.

INFORMATIVE 3:

Domestic Waste and Recycling Collection

Contact should be made with Rugby Council Work Services Unit and advice sought with regard to domestic waste and recycling collections. WSU can be reached via 01788 533533 or contact.centre@rugby.gov.uk.

INFORMATIVE 4:

The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) – Drainage and Waste Disposal. Consideration will need to be given to the length of pipe runs from the two stables to the proposed septic tank.

INFORMATIVE 5:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality.

Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk.

INFORMATIVE 6:

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off-site effects.

INFORMATIVE 7:

The development is within farmland and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest.

NOTE TO APPLICANTS:

The applicants are advised that they must comply with ALL conditions attached to this permission IN FULL and within the timescales prescribed by the conditions. Failure to do so may result in further enforcement action being taken. This may include, but is not limited to, the serving of formal Notices and possibly prosecution.

AGENDA MANAGEMENT SHEET

Report Title: Urgent Decision under Emergency Powers - Planning Application R20/0919

Name of Committee: Planning Committee

Date of Meeting: 23 June 2021

Report Director: Executive Director

Portfolio: Growth and Investment

Ward Relevance: Clifton, Newton and Churchover

Prior Consultation: Executive Director; Chairman and Vice-Chairman of Planning Committee; Main Opposition Group Leader

Contact Officer: Richard Holt, Development Control and Enforcement Manager 01788 533687 or richard.holt@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

Summary: The Planning Committee on 26 May 2021 was cancelled due to technical and logistical difficulties. The Executive Director, in consultation with the Chairman and Vice-Chairman of Planning

Committee, together with the Main Opposition Group Leader, approved decisions as detailed in the report.

Financial Implications:

There are no financial implications arising from this report.

Risk Management Implications:

There is a risk that the planning decision taken using delegated emergency powers could be unsoundly based, unduly influenced or subject to insufficient review and scrutiny. However, the report demonstrates that this risk is being managed with the decision being taken following consultation with the Executive Director, the Chairman and Vice Chairman of the Planning Committee and Main Opposition Group Leader. The report demonstrates a transparent approach and also sets out the basis and rationale for the decision.

Environmental Implications:

There are no environmental implications arising from this report.

Legal Implications:

There are no legal implications arising from this report.

Equality and Diversity:

There are no equality and diversity implications arising from this report.

Options:

N/A

Recommendation:

The report be noted.

Reasons for Recommendation:

Decisions have already been taken under delegated and emergency powers.

Planning Committee - 23 June 2021

**Urgent Decision under Emergency Powers -
Planning Application R20/0919**

Public Report of the Executive Director

Recommendation

The report be noted.

1. INTRODUCTION

Planning Committee on 26 May 2021 was cancelled due to technical and logistical difficulties.

Planning application R20/0919 was a time sensitive application that needed to be determined prior to the beginning of June 2021 owing to the recent expiration of a financial/construction tender for the development of the site. The applicant's agent advised that retendering would jeopardise the entire scheme as construction and building costs were rising, particularly steel, and the burden placed on the developer would compromise the entire viability of the scheme. It was also understood that funding from their bank's credit support team raised further uncertainty if any further delays continued and support from shareholders was not likely to be forthcoming.

Overall, the applicant's agent confirmed that 44 - 55 on site jobs would be created, along with c73 construction jobs in a mix of on-site and off-site roles, and around 57 indirect/supply chain roles would be formed by the intended occupier relocating its three existing UK sites to Rugby.

Due to the time constraints associated with the funding to support this development and the employment benefits it would bring, bearing in mind the advice from the Ministry of Housing, Communities & Local Government for Local Authorities to use the emergency powers available to it to keep the planning process operating and to support the local economy, an urgent decision was required.

**2. PLANNING APPLICATION DETERMINED UNDER URGENT
DECISION/EMERGENCY POWERS – R20/0919 LAND AT A5 WATLING
STREET, CLIFTON UPON DUNSMORE, RUGBY**

The planning application R20/0919 sought full planning permission for the demolition of existing buildings, erection of three buildings and use of site for purposes of an alcohol distillery and hydrocarbon warehouse (Use Classes B2 and B8) and on office building (Use Class B1a) plus external tank farms;

sprinkler tanks and pumphouse; access; parking and servicing; earthworks and landscaping; drainage; fencing.

The application site was located off the west side of the A5, Watling Street and extended to some 2.03 hectares. To the south, at a higher level beyond greenfield land was a ribbon of residential properties on Watling Crescent and the neighbouring employment-based PERI works. To the north of the site was the Europark employment area with phase II being partially implemented. The site comprised of what were originally pre and post-war sand and gravel workings which were still in use for such purposes in the early 1970s. The part of the site adjacent to the A5 was formerly a petrol filling station, the use of which ceased in the early 1990s and most of the associated structures for the petrol filling station had been removed. Access to part of the site from the A5 was currently off a single width roadway which run along the southern boundary. There was a change in levels of approximately 12m across the site which fell predominantly from east to west from the A5.

The proposed buildings would be a maximum of 12 metres high above ground level of a contemporary design using a mix of horizontal and vertical cladding in a range of colours.

A similar application R13/2165 for the erection of two buildings and use or purposes of an alcohols distillery and alcohols and hydrocarbon warehouse (Use Classes B2 and B8) together with ancillary offices (Class B1); erection of associated energy centre building with flue, botanicals building and external tank farms; access; parking and servicing including weighbridge, earthworks and landscaping, drainage, fencing and demolition of existing buildings, was previously approved on 27 May 2015, but had now lapsed.

Financial costs

There were no financial costs.

Consultation

The Executive Director, in consultation with Councillors Picker (Chairman of Planning Committee), Gillias (Vice-Chairman of Planning Committee) and Roodhouse (Main Opposition Group Leader) agree that planning application R20/0919 be approved subject to the conditions and informatives as detailed in the officer's report (as updated by a presentation to the Chairman and Vice Chairman of Planning Committee and consultation responses from Members as part of the Urgency Procedure).

Name of Meeting: Planning Committee

Date of Meeting: 23 June 2021

Subject Matter: Urgent Decision under Emergency Powers - Planning Application R20/0919

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 8 April 2021 to 2 June 2021
Name of Committee:	Planning Committee
Date of Meeting:	23 June 2021
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey Search and Systems Officer 01788 533774, daniel.mcgahey@rugby.gov.uk
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers.
Financial Implications:	There are no financial implications for this report.
Risk Management Implications:	There are no risk management implications for this report.

Environmental Implications:	There are no environmental implications for this report.
Legal Implications:	There are no legal implications for this report.
Equality and Diversity:	There are no equality and diversity implications for this report.
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers.

Planning Committee - 23 June 2021

Delegated Decisions - 8 April 2021 to 2 June 2021

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 23 June 2021

Subject Matter: Delegated Decisions - 8 April 2021 to 2 June 2021

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Delegated

8 Weeks PA Applications Applications Refused

R20/1025 8 Weeks PA Refusal 26/04/2021	THE HAY LOFT, MANOR FARM BARNES, DAVENTRY ROAD, WOOLSCOTT, RUGBY, CV23 8AH	Erection of garage and associated hard standing. Partial removal of hedges at rear of garden to allow for vehicle access
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R21/0223 8 Weeks PA Refusal 12/05/2021	8, DONE CERCE CLOSE, DUNCHURCH, RUGBY, CV22 6NZ	Erection of a new two storey dwelling containing 3 bedrooms. The proposal is at the end of the terrace located next to no.8.
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R20/0849 8 Weeks PA Refusal 14/05/2021	WILLEY FIELDS FARM, WATLING STREET, MONKS KIRBY, RUGBY, CV23 0SQ	The erection of a temporary building to be used as part of the current vehicle preparation centre (three year permission sought).
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R21/0287 8 Weeks PA Refusal 14/05/2021	17, STONECHAT ROAD, RUGBY, CV23 0WX	Single storey side extension to property.
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Applications Approved

Construction of an oak framed

Delegated

8 Weeks PA Applications Applications Approved

R20/0831 8 Weeks PA Approval 08/04/2021	THE WHITE HOUSE, GRANDBOROUGH ROAD, GRANDBOROUGH, RUGBY, CV23 8DB	building to provide two stables with tack room & feed store
R21/0099 8 Weeks PA Approval 08/04/2021	28, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NL	Rendering of front and side elevations and installation of thatch roof
R21/0135 8 Weeks PA Approval 08/04/2021	39, OVERSLADE LANE, RUGBY, CV22 6DY	Erection of a single storey extension for a residential annexe
R21/0199 8 Weeks PA Approval 08/04/2021	156, DUNCHURCH ROAD, RUGBY, CV22 6DR	Demolition of detached garage and erection of a single storey rear extension
R20/0189 8 Weeks PA Approval 12/04/2021	61 BAWNMORE ROAD, BILTON, RUGBY, CV22 6JN	Proposed demolition of existing dwelling and garage and erection of 2 new build dwellings. (previously approved under R18/1293 approved 31st July 2019)

Delegated

8 Weeks PA Applications Applications Approved

20 , Main Street, Monks Kirby,
Rugby, CV23 0QX

R21/0151
8 Weeks PA
Approval
12/04/2021

Log cabin style Summerhouse at the rear of garden measuring 6.5m in width with a height of 2.744m. It will sit a minimum of 2m away from the neighbouring boundary.

R21/0213
8 Weeks PA
Approval
12/04/2021

16A, WESTGATE ROAD,
RUGBY, CV21 3UD

Erection of a first floor side extension

R21/0308
8 Weeks PA
Approval
12/04/2021

4, PERCY CLOSE, BRINKLOW,
RUGBY, CV23 0ZB

Erection of porch to front elevation of property. Dwarf walls, oak framed with slate tiled roof. Roof to be intergrated to existing property. Bricks and tiles to be matched with existing house materials. Porch will be open so no glazing, will provide shelter to main entrance.

R20/0997
8 Weeks PA
Approval
13/04/2021

THE CHALET, HINCKLEY
ROAD, WOLVEY, HINCKLEY,
LE10 3HQ

Erection of stables and associated store building (resubmission of R19/1148), together with the change of use of land from residential to pasture/paddock.

Delegated

8 Weeks PA Applications Applications Approved

R21/0058 8 Weeks PA Approval 13/04/2021	LEICESTER GRANGE FARM, WATLING STREET, BURBAGE, HINCKLEY, LE10 3JA	Creation of first floor design studio over existing workshop and extensions to form delivery bay.
R21/0160 8 Weeks PA Approval 13/04/2021	46A, SIDNEY ROAD, RUGBY, CV22 5LD	Garage conversion and second storey side extension
R21/0195 8 Weeks PA Approval 13/04/2021	21, MONTROSE ROAD, RUGBY, CV22 5PB	Erection of a single-storey side and rear extension.
R21/0066 8 Weeks PA Approval 14/04/2021	138, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2AZ	Erection of two storey and single storey front, side and rear extensions.
R21/0182 8 Weeks PA Approval 14/04/2021	28, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE	Replace existing, standard conservatory (L4.5 x W3.5m) and erect new extension (L6.5 x W4.5m) as seating area, with glazed doors (e.g. bifold doors) on garden facing side and gable

Delegated

8 Weeks PA Applications Applications Approved

end plus gable end apex window.
Tiled pitched roof with roof
windows.

R21/0262
8 Weeks PA
Approval
14/04/2021

OLD STATION YARD, OXFORD
ROAD, MARTON, RUGBY, CV23
9RU

Erection of a lean-to extension to
an existing B2 Industrial Unit.
This extension will increase the
floor space by 92sq m and will
measure out by 5m and will
contain an eaves height of 4.8m.

R21/0130
8 Weeks PA
Approval
15/04/2021

8, FARM GROVE, RUGBY,
CV22 5NQ

Proposed two storey extension to
the side and part of rear. And a
single storey rear extension and
other alterations to existing
dwelling.

R21/0139
8 Weeks PA
Approval
15/04/2021

120, ASHLAWN ROAD, RUGBY,
CV22 5ER

Single storey side and rear
extension.

R21/0188
8 Weeks PA
Approval
15/04/2021

NORTON BURY, MAIN ROAD,
COVENTRY, CV7 9JA

Erection of a two storey side
extension to dwelling house

39, FLEET CRESCENT, RUGBY,

Delegated

8 Weeks PA Applications Applications Approved

CV21 4BQ

R21/0209
8 Weeks PA
Approval
15/04/2021

Demolition of single storey attached garage, erection of two storey side extension with single storey extension to front forming porch and garage and loft conversion with erection of rear dormer.

R21/0227
8 Weeks PA
Approval
15/04/2021

43, LIME TREE AVENUE,
RUGBY, CV22 7QT

RETROSPECTIVE PLANNING APPLICATION TO REGULARIZE AMENDMENTS MADE DURING BUILDING CONSTRUCTION AND ERECTION OF A DETACHED GARAGE

R21/0218
8 Weeks PA
Approval
16/04/2021

HOME FARM BARN, 1,
THURNMILL ROAD, LONG
LAWFORD, RUGBY, CV23 9BX

Erection of pole barn for plant and feed storage.

R21/0226
8 Weeks PA
Approval
16/04/2021

6, KIRKSTONE, RUGBY, CV21
1PU

Erection of single storey side and rear extension

R21/0190
8 Weeks PA
Approval

29, RUGBY ROAD, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0DE

Erection of a single storey rear extension (resubmission).

Delegated

8 Weeks PA Applications

Applications Approved

19/04/2021

<p>R21/0228 8 Weeks PA Approval 19/04/2021</p>	<p>44, MILLFIELDS AVENUE, RUGBY, CV21 4HJ</p>	<p>Installation of external wall insulation to the property changing from a brick to rendered exterior.</p>
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<p>R21/0235 8 Weeks PA Approval 19/04/2021</p>	<p>22, MAIN STREET, STRETTON UNDER FOSSE, RUGBY, CV23 0PF</p>	<p>Erection of a timber garden room at the end of the garden for home office and storage.</p>
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<p>R20/0969 8 Weeks PA Approval 20/04/2021</p>	<p>23 , Rugby Lane, Stretton-On- Dunsmore, CV23 9JH</p>	<p>Proposed alteration to the main roof of bungalow to create a second storey, single storey rear extension together with new pitched roof to integral garage</p>
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<p>R21/0289 8 Weeks PA Approval 21/04/2021</p>	<p>50, BROOKSIDE, STRETTON- ON-DUNSMORE, RUGBY, CV23 9NH</p>	<p>Erection of a detached dwelling house (Variation of condition 2 of approved planning permission ref: R20/0784 dated 13/10/2020 to amend the approved plans to include the erection of a replacement garage)</p>
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<p>188, MURRAY ROAD, RUGBY, RUGBY, CV21 3JU</p>	<p>Proposed conversion and first floor extension of dwelling to form</p>
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Delegated

8 Weeks PA Applications Applications Approved

R20/0952 8 Weeks PA Approval 22/04/2021		three flats
R20/1017 8 Weeks PA Approval 22/04/2021	HANWORTH, LIVINGSTONE AVENUE, LONG LAWFORD, RUGBY, CV23 9BU	Erection of a two storey side extension, single storey rear extension and front porch
R21/0219 8 Weeks PA Approval 22/04/2021	MIDWAY, MAIN STREET, BRANDON, COVENTRY, CV8 3HW	Demolition of existing garden shed and erection of garden office.
R21/0232 8 Weeks PA Approval 22/04/2021	32, NEWLAND STREET, RUGBY, CV22 7BJ	Double storey side extension above the properties existing garage.
R20/1024 8 Weeks PA Approval 23/04/2021	THE HAY LOFT, MANOR FARM BARN, DAVENTRY ROAD, WOOLSCOTT, RUGBY, CV23 8AH	Proposed single storey rear extension
	1, HIGH STREET, RUGBY, CV21 3BG	Proposed change of use of the upper first and second floor to 2

Delegated

8 Weeks PA Applications Applications Approved

R20/1101 8 Weeks PA Approval 23/04/2021		(no) flats
R20/1104 8 Weeks PA Approval 23/04/2021	53, ASHLAWN ROAD, RUGBY, CV22 5ET	Variation of condition 4 of R20/0080 (alteration to first floor windows and relocation of first floor side window)
R21/0202 8 Weeks PA Approval 23/04/2021	332, LOWER HILLMORTON ROAD, RUGBY, CV21 4AE	Single storey rear extension to the property.
R21/0215 8 Weeks PA Approval 23/04/2021	33, WHEATFIELD ROAD, RUGBY, CV22 7LN	Proposed single storey rear extension with a lean to pitched roof
R21/0237 8 Weeks PA Approval 26/04/2021	3, MURRAY ROAD, RUGBY, CV21 3JN	Proposed single storey side and rear extension to dwelling.
	11, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22	Erection of a wooden garden gazebo

Delegated

8 Weeks PA Applications Applications Approved

6NW

R21/0243
8 Weeks PA
Approval
26/04/2021

R21/0189
8 Weeks PA
Approval
27/04/2021

7, BROOK VIEW, DUNCHURCH,
RUGBY, CV22 6RR

Erection of first floor balcony to
the rear of No 7 Brook View.

R19/0947
8 Weeks PA
Approval
28/04/2021

GRANGE FARM, LONDON
ROAD, RYTON-ON-
DUNSMORE, COVENTRY, CV8
3EW

Partial demolition of farm yard
and conversion of buildings to
seven residential units and
associated works

R20/0593
8 Weeks PA
Approval
28/04/2021

CAWSTON OLD FARM HOUSE,
WHITEFRIARS DRIVE, RUGBY,
RUGBY, CV22 7QR

Erection of a single storey rear
extension

R20/0934
8 Weeks PA
Approval
28/04/2021

43, SCHOOL LANE, STRETTON-
ON-DUNSMORE, RUGBY, CV23
9ND

Front 1.5m Garage Extension

R21/0146
8 Weeks PA

Single storey detached
garage/workshop building

Delegated

8 Weeks PA Applications

Applications Approved

Approval

28/04/2021

BRICK HILL FARM BARN,
BIRDINGBURY ROAD,
LEAMINGTON HASTINGS,
RUGBY, CV23 8DY

R21/0198
8 Weeks PA
Approval
28/04/2021

BARNFIELD, MAIN STREET,
BRANDON, COVENTRY, CV8
3HW

Rendering of all external
elevations of existing dwelling
and re-painting of UPVC windows
and doors

R21/0225
8 Weeks PA
Approval
28/04/2021

274, DUNCHURCH ROAD,
RUGBY, CV22 6HX

Erection of a single storey rear
extension with indoor pool
(resubmission of planning
permission reference R20/0786,
approved 08 January 2021).

R21/0353
8 Weeks PA
Approval
28/04/2021

5 BIRCH LODGE, WYNSFORD
GARDENS, 15 BILTON LANE,
DUNCHURCH, RUGBY, CV22
6EW

Variation of Condition 2 of
planning permission R19/1309 for
the creation of an office over the
garage and erection of external
timber stairs.

R21/0042
8 Weeks PA
Approval
29/04/2021

TRUSTEEL HOUSES, 4,
LUTTERWORTH ROAD,
CHURCHOVER, RUGBY, CV23
0EJ

Removal of condition 8 (to retain
existing shed) under application
R17/1040

Delegated

8 Weeks PA Applications Applications Approved

R21/0075 8 Weeks PA Approval 29/04/2021	PARK HOUSE, LITTLE LAWFORD LANE, LITTLE LAWFORD, RUGBY, CV23 0JJ	Variation of Condition 2 of planning permission R20/0222 to allow for the inclusion of a utility/plant area along with the discharge of conditions 3, 4, 5, 6, 10, 11 and 12.
R21/0082 8 Weeks PA Approval 29/04/2021	116, ASHLAWN ROAD, RUGBY, CV22 5ER	PROPOSED SECOND STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION
R21/0149 8 Weeks PA Approval 29/04/2021	330, NEWBOLD ROAD, RUGBY, CV21 1EG	Proposed first floor rear addition.
R21/0056 8 Weeks PA Approval 30/04/2021	6, PUREFEY CLOSE, CHURCHOVER, RUGBY, CV23 0RN	Installation of inglenook log burner and connecting flue pipe/chimney.
R21/0088 8 Weeks PA Approval 30/04/2021	49, MIDAS LOUNGE, CHURCH STREET, RUGBY, CV21 3PT	Change of use of ground floor from drinking establishment to retail units and associated alterations

Delegated

8 Weeks PA Applications Applications Approved

R21/0115 8 Weeks PA Approval 30/04/2021	49, MIDAS LOUNGE, CHURCH STREET, RUGBY, CV21 3PT	Conversion of first and second floor to 5 apartments and replacement windows
R21/0119 8 Weeks PA Approval 30/04/2021	6 EASTLANDS ROAD , RUGBY, WARWICKSHIRE, CV21 3RP	Two storey side and rear extension with associated internal alterations, loft conversion and erection of rear outbuilding
R21/0239 8 Weeks PA Approval 30/04/2021	BRITANNIA COTTAGE, CHURCH ROAD, RYTON-ON- DUNSMORE, COVENTRY, CV8 3ET	PROPOSED NEW STORAGE BUILDINGS AGAINST THE FRONT BOUNDARY WALL. NEW OPEN PORCH TO EXISTING DWELLING.
R21/0205 8 Weeks PA Approval 05/05/2021	280, LOWER HILLMORTON ROAD, RUGBY, CV21 4AE	Two storey side extension above the existing garage. The proposal also includes the render of the existing external walls of property.
R21/0264 8 Weeks PA Approval 05/05/2021	3, GRANGE FARM, BRANDON LANE, BRANDON, COVENTRY, CV3 3GU	Single storey rear extension measuring out by 5m from the rear elevation and then across by 11m. The proposal will contain an approx. height of 2.5m.

Delegated

8 Weeks PA Applications Applications Approved

CRESCENT SCHOOL,
BAWNMORE ROAD, RUGBY,
CV22 7QH

R21/0273
8 Weeks PA
Approval
05/05/2021

Proposed conversion of nursery area into afterschool activity area, including extension for storage area and link to rest of school

R21/0378
8 Weeks PA
Approval
05/05/2021

49, OVERSLADE LANE,
RUGBY, CV22 6DY

Single storey extension to the rear of the property.

R21/0071
8 Weeks PA
Approval
07/05/2021

Adjacent to Forge Cottage, 26,
Main Street, Willoughby, Rugby,
CV23 8BH

Conversion of redundant barn and outbuildings to create one residential unit. New detached garage structure, driveway and new access onto the highway. Minor works to two adjacent Listed properties.

R21/0259
8 Weeks PA
Approval
07/05/2021

14, SHAKESPEARE GARDENS,
RUGBY, CV22 6HH

Erection of a two storey side extension, single storey rear extension and demolition/re-construction of garage

R21/0171
8 Weeks PA
Approval

51, STANLEY ROAD, RUGBY,
CV21 3UE

Delegated

8 Weeks PA Applications Applications Approved

10/05/2021

Single storey rear extension and extended front porch with glazed roof covered area to side and rear.

R21/0204
8 Weeks PA
Approval
10/05/2021

64, CRICK ROAD, RUGBY,
CV21 4DY

Erection of a single storey rear extension

R21/0249
8 Weeks PA
Approval
10/05/2021

89, GIBSON DRIVE, RUGBY,
CV21 4LJ

Proposed first floor side extension built above existing garage.

R21/0280
8 Weeks PA
Approval
10/05/2021

4, ELSTOP AVENUE, RUGBY,
CV23 0GQ

Installation of railings to the right of the driveway.

R21/0306
8 Weeks PA
Approval
10/05/2021

23, RUGBY ROAD, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0DE

Single storey rear extension measuring 6.9x8.85m. New parking and turning area proposed.

THE RANCH, SHILTON LANE,
SHILTON, COVENTRY, CV7

Delegated

8 Weeks PA Applications Applications Approved

9LH

R21/0002
8 Weeks PA
Approval
11/05/2021

Existing dwelling (as approved under ref: R12/1064) to be subdivided into 2 dwellings. Existing garage extended and converted to annex. Proposed new annex building for plot 2. Access and parking arrangements.

R21/0267
8 Weeks PA
Approval
11/05/2021

LAND TO THE REAR OF 20,
CAWSTON LANE,
DUNCHURCH, RUGBY, CV22
6QE

Demolition of existing garage workshop and erection of a proposed two storey detached dwelling. Amended application to approval R18/1356.

R21/0011
8 Weeks PA
Approval
12/05/2021

310A, BILTON ROAD, RUGBY,
CV22 7LU

Erection of a two storey side and rear extension and ground floor rear extension.

R21/0178
8 Weeks PA
Approval
13/05/2021

129, CLAREMONT ROAD,
RUGBY, CV21 3LU

Demolition of existing rear garage and erection of replacement garage.

R21/0185
8 Weeks PA
Approval

69, AQUA PLACE, RUGBY,
CV21 1BY

Erection of a three storey side extension

Delegated

8 Weeks PA Applications

Applications Approved

13/05/2021

R21/0286 8 Weeks PA Approval 13/05/2021	55, MAIN STREET, LONG LAWFORD, RUGBY, CV23 9AZ	Erection of a porch and rear single storey extension (re- submission of R16/1554)
R21/0310 8 Weeks PA Approval 13/05/2021	31 MAIN STREET, STRETTON UNDER FOSSE , RUGBY , WARWICKSHIRE , CV23 0PE	Erection of a single storey rear extension
R20/0930 8 Weeks PA Approval 14/05/2021	307, HILLMORTON ROAD, RUGBY, RUGBY, CV22 5BS	RESUBMISSION OF PREVIOUSLY APPROVED- ERECTION OF DWELLING WITH ASSOCIATED PARKING
R21/0184 8 Weeks PA Approval 14/05/2021	ARBURY HOUSE FARM, WITHYBROOK ROAD, WOLVEY, BEDWORTH, CV12 9JW	Creation of an equestrian menage
R21/0258 8 Weeks PA Approval 14/05/2021	7, BOWEN ROAD, RUGBY, CV22 5LF	Demolition of existing conservatory and erection of single storey rear extension.

Delegated

8 Weeks PA Applications Applications Approved

R21/0266 8 Weeks PA Approval 14/05/2021	4, LANGTON ROAD, RUGBY, CV21 3UA	Demolition of existing pre-fabricated garage and erection of a single storey extension to include new garage (amendments to previously approved R20/0590)
R21/0137 8 Weeks PA Approval 17/05/2021	68, CRAVEN AVENUE, BINLEY WOODS, COVENTRY, CV3 2JT	Erection of part two storey part first floor level front extension, single storey rear extension and various external alterations.
R21/0303 8 Weeks PA Approval 17/05/2021	DUNSMORE LODGE, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB	Proposed single storey link extension & alterations to existing house - resubmission of previously approved application R20/0130
R21/0432 8 Weeks PA Approval 17/05/2021	44, CRICK ROAD, RUGBY, CV21 4DY	The Erection of Single Storey timber clad detached garden room/outbuilding.
R21/0451 8 Weeks PA Approval 17/05/2021	4 Willow Lodge, Wynsford Gardens, 15 Bilton Lane, Dunchurch, Rugby, CV22 6EW	Variation of Condition 2 of planning permission R19/1309 for extension of bedroom over the garage, amendments to the

Delegated

8 Weeks PA Applications Applications Approved

		interal layout along with the reposition of windows, door and chimney.
R20/0876 8 Weeks PA Approval 18/05/2021	7 , Old Rectory Close, Churchover, CV23 0EN	Alterations to existing dwelling including proposed accommodation in the roof.
R21/0212 8 Weeks PA Approval 19/05/2021	67, MONKS ROAD, BINLEY WOODS, COVENTRY, CV3 2BQ	Erection of two storey side extension and alterations to front porch.
R21/0368 8 Weeks PA Approval 19/05/2021	52, LUTTERWORTH ROAD, PAILTON, RUGBY, CV23 0QF	Erection of a single storey front extension, garage conversion, internal alterations and new detached garage
R21/0360 8 Weeks PA Approval 20/05/2021	1, DUN COW CLOSE, BRINKLOW, RUGBY, CV23 0NZ	Proposed removal of existing Conservatory and erection of single storey rear extension.
R21/0132 8 Weeks PA Approval 21/05/2021	Land to the East of Church Road, Grandborough, Rugby, CV23 8EP	Erection of a detached dwelling, formation of new site access and alterations to the existing garage.

Delegated

8 Weeks PA Applications Applications Approved

R21/0144 8 Weeks PA Approval 21/05/2021	BADGERS BARN, CHURCH ROAD, CHURCH LAWFORD, RUGBY, CV23 9EG	Proposed new menage and horse exerciser
R21/0236 8 Weeks PA Approval 21/05/2021	33, AVONDALE ROAD, BRANDON, COVENTRY, CV8 3HS	Installation of 2no. dual-pitch roofed front dormer windows.
R21/0240 8 Weeks PA Approval 21/05/2021	4 Tank Cottages, Newbold Road, RUGBY, CV21 1HE	Proposed first floor side extension
R21/0320 8 Weeks PA Approval 24/05/2021	15, DUNCAN DRIVE, RUGBY, CV22 7RS	Construction of new bay window to front elevation and replacement of low level vertical tiling with brickwork.
R20/0309 8 Weeks PA Approval 25/05/2021	250, NEWBOLD ROAD, RUGBY, CV21 1EG	Erection of 2 (no) dwellings.
	Coldwells Court, Union Street,	

Delegated

8 Weeks PA Applications Applications Approved

R21/0221 8 Weeks PA Approval 25/05/2021	Rugby, CV22 6AW	Replacement of roof covering and associated rain water goods along with fascias to bring up to current standards of building regulations.
R20/1059 8 Weeks PA Approval 26/05/2021	HILLSIDE, MAIN STREET, FRANKTON, RUGBY, CV23 9PB	Use of the existing stable building and menage for equestrian business purposes (retrospective planning).
R21/0321 8 Weeks PA Approval 26/05/2021	THE OLD COACH HOUSE, FLECKNOE VILLAGE ROAD, FLECKNOE, RUGBY, CV23 8AT	Replace existing timber windows and door with new timber windows and door
R21/0359 8 Weeks PA Approval 26/05/2021	41, SCHOOL STREET, LONG LAWFORD, RUGBY, CV23 9AT	The erection of a single-storey rear extension to form a utility room and a garage conversion with associated internal facilitation works.
R21/0492 8 Weeks PA Approval 26/05/2021	8, EDWIN CLOSE, RUGBY, CV22 7FA	Enlargement of kitchen by demolishing adjacent interior utility room, and conversion of the rear half of the built in garage to a new utility room.

Delegated

8 Weeks PA Applications Applications Approved

R20/0762 8 Weeks PA Approval 27/05/2021	STABLE COTTAGE, GLEBE FARM ROAD, DRAYCOTE, RUGBY, CV23 9RB	Erection of an outbuilding for gym and store with toilet
R21/0375 8 Weeks PA Approval 27/05/2021	15, OAKDALE ROAD, BINLEY WOODS, COVENTRY, CV3 2BL	Extensions and alterations to dwelling to form first floor, retrospective demolition of existing garage and erection of a single storey side extension
R21/0421 8 Weeks PA Approval 27/05/2021	5, THE ROW, BROADWELL, RUGBY, CV23 8HF	Erection of a single storey rear extension.
R20/0978 8 Weeks PA Approval 28/05/2021	BURTON FARM, BURTON LANE, BURTON HASTINGS, NUNEATON, CV11 6RJ	Demolition of existing dwelling and workshop and erection of replacement dwelling with annexe and detached garage (Resubmission of previously approved schemes under R15/0677 dated 01/07/2015 and R19/0796 dated 03/09/2020).
R21/0181 8 Weeks PA		

Delegated

8 Weeks PA Applications

Applications Approved

Approval

28/05/2021

ABBERLEY, 1, LONG
ITCHINGTON ROAD,
BIRDINGBURY, RUGBY, CV23
8EG

Proposed single storey extension
with double garage, and other
alterations to include new
cladding and roof tiles.

R21/0271
8 Weeks PA
Approval
28/05/2021

SPRINGHILL, MARTON ROAD,
BIRDINGBURY, RUGBY, CV23
8ER

Proposed erection of single
storey front porch and change of
use of building from farm welfare
unit to also include usage for
short term holiday lets.

R21/0305
8 Weeks PA
Approval
28/05/2021

ORCHARD COTTAGE,
LAWFORD LANE, RUGBY,
CV22 7QS

Proposed single storey side
addition.

R21/0317
8 Weeks PA
Approval
28/05/2021

1, GLENFERN GARDENS,
OXFORD ROAD, RYTON-ON-
DUNSMORE, COVENTRY, CV8
3EA

Front Extension and Loft
Conversion

R21/0328
8 Weeks PA
Approval
28/05/2021

38, CHARLES LAKIN CLOSE,
SHILTON, COVENTRY, CV7
9LB

Erection of a part two storey part
single storey rear extension
incorporating the existing
outbuilding.

Delegated

8 Weeks PA Applications Applications Approved

12, LAWRENCE ROAD, RUGBY,
CV21 3SA

R21/0338
8 Weeks PA
Approval
28/05/2021

Rear extension to property replacing existing conservatory & utility. This extension will extend out by 4.5m and across by 5.986m with a total height of 3.734m. Application also seeks to render the whole property.

R21/0352
8 Weeks PA
Approval
28/05/2021

14, MAIDENHAIR DRIVE,
RUGBY, CV23 0SE

Part garage conversion and extension of driveway.

R21/0170
8 Weeks PA
Approval
02/06/2021

5, MONARCH CLOSE, RUGBY,
CV21 1NX

A new single storey , highly glazed extension to the rear of the property extending 4.5 metres to the rear, 2.8 metres to the eaves and 3.5 metres in total height.

White windows and door with clear double glazing and cavity brick wall to the south-east elevation.

Cavity brick walls to the north-east elevation and the existing house walls to the north-west and south-west.

Delegated

8 Weeks PA Applications Applications Approved

A flat roof with a white frame
double glazed atrium hipped roof
light walls to be multi/red clay
metric bricks.

R21/0327
8 Weeks PA
Approval
02/06/2021

18, ALMOND GROVE, RUGBY,
CV21 1HP

Two storey side and single storey
rear extension to accommodate
Disabled bedroom

Certificate of Lawfulness Applications Applications Approved

R21/0309
Certificate of
Lawfulness
Approval
20/04/2021

149, LOWER HILLMORTON
ROAD, RUGBY, CV21 3TR

Certificate of Lawfulness for a
Garage conversion to a home
study.

R20/1081
Certificate of
Lawfulness
Approval
22/04/2021

SPICERS WOOD, COVENTRY
ROAD, PAILTON, RUGBY, CV23
0QA

Certificate of lawfulness for a
single storey side extension

Delegated

Discharge of Conditions

Applications Approved

R20/0419	CHURCH HOUSE, POST OFFICE ROAD, LEAMINGTON HASTINGS, RUGBY, CV23 8DZ	External repairs and alterations to Listed Building, including relocation of existing gas meter
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13/04/2021

R21/0105	BARNCLIFFE, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NW	Construction of new first floor over existing bungalow
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29/04/2021

R21/0259	14, SHAKESPEARE GARDENS, RUGBY, CV22 6HH	Erection of a two storey side extension, single storey rear extension and demolition/re- construction of garage
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18/05/2021

Listed Building Consent Applications

Applications Approved

R21/0101	28, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NL	Listed Building Consent for rendering of front and side elevations and installation of thatch roof
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08/04/2021

R21/0133	BRETFORD BRIDGE, A428 RUGBY ROAD , WARWICKSHIRE, CV23 0LB	Repair works to the bridge
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19/04/2021

Delegated

Listed Building Consent Applications Applications Approved

R21/0092 Listed Building Consent Approval 21/04/2021	THE WHITE HOUSE, CHURCH STREET, CHURCHOVER, RUGBY, CV23 0EW	Listed Building Consent for internal alterations and revised window/door openings.
R20/0423 Listed Building Consent Approval 28/04/2021	CAWSTON OLD FARM HOUSE, WHITEFRIARS DRIVE, LAWFORD LANE, CAWSTON, RUGBY, CV22 7QR	Erection of a single storey rear extension (Listed Building Consent)
R21/0072 Listed Building Consent Approval 07/05/2021	Adjacent to Forge Cottage, 26, Main Street, Willoughby, Rugby, CV23 8BH	Listed Building Consent for the conversion of redundant barn and outbuildings to create one residential unit. New detached garage structure, driveway and new access onto the highway. Minor works to two adjacent Listed properties.
R21/0285 Listed Building Consent Approval 10/05/2021	44, THE CRESCENT, BRINKLOW, RUGBY, CV23 0LR	Listed Building Consent for the replacement of the front windows with new handmade timber windows which will include narrow heritage glass double glazing

Delegated

Listed Building Consent Applications Applications Approved

R20/0844
Listed Building Consent
Approval
17/05/2021

CRANTOCK, MAIN STREET,
EASENHALL, RUGBY, CV23
0JA

Listed Building consent for a
replacement window.

Major Applications Applications Approved

R19/1211
Major Application
Approval
20/04/2021

GEMINI, SOUTHAM ROAD,
DUNCHURCH, RUGBY, CV22
6NW

Demolition of the existing
property and the erection of a 2.5
storey apartment block to provide
10 (no) 2 bedroom apartments
with associated parking
(resubmission of the previously
approved application R18/0833).

R20/0860
Major Application
Approval of Reserved
Matters
29/04/2021

RUGBY RADIO STATION,
WATLING STREET, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0AS

Application for reserved matters
approval of access, appearance,
landscape, layout and scale, for
the construction of 84 no.
dwellings at Parcel C of Key
Phase 2, of the Houlton
development (R17/0022),
including tertiary streets and
bellmouth junctions, internal
vehicular, pedestrian and cycle
access, residents and visitors
parking (including garages),

Delegated

Major Applications Applications Approved

external footpath connections, hard and soft landscaping, lighting, boundary treatments, bin storage and collection points, any necessary drainage and utilities works, groundworks, any necessary demolition, temporary stockpiling of materials, construction compounds, areas for construction use, and temporary haul routes for construction purposes.

R20/0929
Major Application
Approval
30/04/2021

BRITVIC SOFT DRINKS LTD,
AVENTINE WAY, RUGBY, CV21
1HA

Proposed development of a new infill extension to the existing production hall along with infill cladding to an existing covered canopy area and an external open pallet storage area within the service yard.

R20/0525
Major Application
Approval of Reserved
Matters
07/05/2021

RUGBY RADIO STATION,
WATLING STREET, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0AS

Key Phase 1 Parcel D -
Submission of reserved matters comprising access, appearance, landscaping, layout and scale for the erection of 42 dwellings together with garages, access roads, parking and associated works pursuant to outline

Delegated

Major Applications Applications Approved

planning permission ref:
R17/0022 dated 28th June 2017.

R21/0268
Major Application
Approval of Reserved
Matters
11/05/2021

LAND NORTH OF ASHLAWN
ROAD, ASHLAWN ROAD,
RUGBY, CV22 5SL

Variation of condition 1 of
R19/1185 (Erection of 333
dwellings, associated access,
infrastructure and landscaping) to
amend Chester housetype to
Kingsley on 16 plots, alter
surfacing and amend front door
colours.

R21/0261
Major Application
Approval
28/05/2021

RUGBY RADIO STATION,
WATLING STREET, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0AS

Creation of temporary haul
route(s) and utilisation of existing
spoil storage/construction
compound area for a period of 5
years.

Non Material Amendment Applications Applications Approved

R19/0879

Non-Material
Amendment agreed
04/05/2021

SHILTON HOUSE FARM, 15,
CHURCH ROAD, SHILTON,
COVENTRY, CV7 9HX

Demolition of existing barns and
erection of 6 dwelling houses,
together with alterations to
existing vehicular access and
associated car parking and
landscaping.

Delegated

Non Material Amendment Applications Applications Approved

R16/2312	RAY GURNEY MOTOR REPAIR SERVICES, 83-85 CLAREMONT ROAD, RUGBY, CV21 3LX	Demolition of existing building and erection of 6 flats.
Non-Material Amendment agreed 10/05/2021		
R21/0202	332, LOWER HILLMORTON ROAD, RUGBY, CV21 4AE	Single storey rear extension to the property.
Non-Material Amendment agreed 13/05/2021		
R21/0205	280, LOWER HILLMORTON ROAD, RUGBY, CV21 4AE	Two storey side extension above the existing garage. The proposal also includes the render of the existing external walls of property.
Non-Material Amendment agreed 19/05/2021		

Prior Approval Applications

Prior Approval Applications

R21/0175	91, CRAVEN ROAD, RUGBY, CV21 3JZ	PACU - Prior approval for change of use of retail to 1no. bed flats.
Prior Approval change of use Required and Approved 12/04/2021		

Delegated

Prior Approval Applications

Prior Approval Applications

WHITE COTTAGE, LITTLE
WALTON, MONKS KIRBY,
RUGBY, CV23 0QL

R21/0224
Prior Approval
Extension
Not Required
12/04/2021

Prior approval for erection of
single storey rear extension
projecting 5metres from the
original rear elevation of the
dwelling, 2.23metres to the eaves
height, with a maximum height of
2.57metres.

R21/0281
Prior Approval
Extension
Not Required
12/04/2021

19, EASTLANDS PLACE,
RUGBY, CV21 3RS

Erection of a ground floor rear
extension (Prior Approval: Larger
Home Extension)

R21/0302
Agriculture Prior
Approval
Not Required
13/04/2021

TOP HOUSE FARM,
BROADWELL ROAD,
GRANDBOROUGH, RUGBY,
CV23 8BA

Prior notification: Road
(agricultural/forestry)

R21/0288
Prior Approval
Extension
Not Required
15/04/2021

55, CHURCH ROAD, RYTON-
ON-DUNSMORE, COVENTRY,
CV8 3ET

Erection of a single storey rear
extension with pitched and flat
roofs (Prior Approval: Larger
Home Extension)

Delegated

Prior Approval Applications

Prior Approval Applications

R21/0356
Agriculture Prior
Approval
Not Required
22/04/2021

Springfield, Southam Road,
Broadwell, near Rugby, CV23
8EY

Agricultural Prior Approval for the
erection of an agricultural barn.

R21/0231
Prior Approval change
of use
Not Required
26/04/2021

78, CRAVEN ROAD, RUGBY,
CV21 3JX

Prior approval change of use
from retail to 1no. dwellinghouse
(Class M)

R21/0260
Prior Approval change
of use
Required and Refused
29/04/2021

Barn adjacent to Nethercote
Barn, Nethercote Road,
Nethercote, Flecknoe, CV23 8AS

Prior Approval: Change of use -
agriculture to dwellinghouses for
alterations, including removal of
structures on the east and west
elevations, and re-use of
agricultural building to form
dwelling.

R21/0418
Agriculture Prior
Approval
Not Required
29/04/2021

HALL FARM, LITTLE LAWFORD
LANE, LITTLE LAWFORD,
RUGBY, CV23 0JJ

Agricultural Prior Approval for the
installation of a roof covering for
two existing livestock buildings.

Agricultural prior notification for

Delegated

Prior Approval Applications

Prior Approval Applications

R21/0419
Agriculture Prior
Approval
Not Required
29/04/2021

MILETHORN FARM,
LEICESTER ROAD, WOLVEY,
HINCKLEY, CV7 9LZ

the erection of an agricultural
storage building.

R21/0064
Prior Approval change
of use
Required and Approved
30/04/2021

LAZY ACRES, FRANKTON
LANE, FRANKTON, RUGBY,
CV23 9JQ

Prior approval application for the
change of use from agricultural
building to 1 no. dwelling with
associated building operations
(Under Class Qa and Qb).

R21/0455
Agriculture Prior
Approval
Not Required
06/05/2021

Home Pastures, Withybrook
Road, Wolvey, Bedworth, CV12
9JW

Prior notification for the erection
of an agricultural building for the
purpose of storing hay, straw and
agricultural machinery.

R21/0466
Agriculture Prior
Approval
Not Required
12/05/2021

FLORIN FARM, FLORIN PLACE,
RUGBY, CV21 4ED

Agricultural Prior Approval for a
machinery and feed storage
building (resubmission of prior
approval reference R21/0229,
determined 22/03/21).

Agricultural Prior Approval for
change of use of agricultural
building to 1 no. dwellinghouse

Delegated

Prior Approval Applications

Prior Approval Applications

R21/0389 Prior Approval change of use Required and Approved 13/05/2021	MERLIN FIELD FARM, GIBRALTAR LANE, LEAMINGTON HASTINGS, RUGBY, CV23 8EX	and related building operations.
R21/0319 Prior Approval change of use Required and Refused 14/05/2021	PAILTON RADIO STATION, MONTILO LANE, PAILTON, CV23 0HD	Prior approval change of use of buildings and land within their curtilage from office use Class B1a to dwellinghouses Class C3 under Class O.
R21/0414 Prior Approval Extension Not Required 20/05/2021	1, WIGGINS CLOSE, RUGBY, CV21 4DH	Prior Approval Application for the erection of a single storey rear extension projecting 5 metres from the original rear elevation of the dwelling, 2.7 metres to the eaves height, with a maximum height of 4 metres (to include the demolition of the existing conservatory).
R21/0301 Prior Approval Extension Not Required 24/05/2021	13, MEADOW CLOSE, ANSTY, COVENTRY, CV7 9JB	Prior approval application for a rear single storey extension, measuring out by 4.500m and across by 7.575m with an approximate total height of 3m with a monopitched roof.